

1 UNITED STATES DISTRICT COURT
2 MIDDLE DISTRICT OF TENNESSEE
3 NASHVILLE DIVISION

4 UNITED STATES OF AMERICA)
5 VS) No. 3:18-cr-00293
6 JORGE FLORES [3])
7 JOSE PINEDA-CACERES [4])
8 LUIS COLINDRES [8])
9 KEVIN TIDWELL [9])

10
11 BEFORE THE HONORABLE ELI RICHARDSON, DISTRICT JUDGE

12 TRANSCRIPT OF PROCEEDINGS

13 April 13, 2023

14 Volume 7

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I N D E XGovernment witnesses**FRANCISCO AVILA**

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DANIELLE CONNOR

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E X H I B I T S

Government No. 23....Clear plastic bag with red 102
strip at top containing 4 small brown paper
bags with objects inside them and yellow
evidence tape across top of bags. Piece of
paper also enclosed with various writings on
it and a white sticker adhered to it. White
sticker - Nashville Crime Laboratory, Metro
Nashville P.D., Case # 191022723, Exhibit
#001, Rcvd: McGowen, Rudie 10/31/19, Bar Code
AK7965M50TKFFV.

Government No. 24....Clear plastic bag with red .102
strip at top containing 5 small brown paper
bags with objects inside them and yellow
evidence tape across top of bags. One larger
brown paper bag also enclosed with white
sticker adhered to it. White sticker -
PR25440265, Category: Property, #229 (red
ink), Description: Shooting, projectile
fragment, blazer .45 auto cartridge casing,
unknown head stamp .45 auto cartridge casing,
Win .45 auto cartridge casing, FED .40 S&
amp:w cartridge casing, Win .40 S& amp: W
cartridge casing.

Government No. 25....Clear plastic bag with red .102
strip containing small brown paper bag,
undamaged copper bullet with white substance
on tip, white description document

Government No. 26....Clear plastic bag with red .102
strip on top containing damaged
pewter-colored vehicle side view mirror,
brown paper bag and white description
document

Government No. 27....Clear plastic bag with red .201
strip across top. One fired cartridge casing.
Multiple brown paper bags in clear bag. White
sticker on brown paper bag - PR25450702,
Incident: 20170158052, Category: Property,
Suspect: Unknown, Description-10-83 (18)
7.62x39 Tullamo FCC EM #19-23, 25, 2, 7-32,
36-38, 42-44. Bar Code ZCH304UT0TZFlH, #227
handwritten in red ink.

1 Government No. 28....Clear plastic bag with red .201
2 strip across top. Multiple brown paper bags
3 and white piece of paper (folded) in clear
4 plastic bag. Handwritten on brown paper bag -
5 #40 2017-0158052, 2/18/17 @ 0538, DKC, 1316
6 Antioch Pike, Winchester 223 REM FCC

7 Government No. 29....Clear plastic bag with red .201
8 strip across top. One projectile fragment.
9 White piece of paper (folded). Handwritten on
10 brown pieces of paper (similar to that of a
11 brown paper bag), #18, 2017-0158052, 1316
12 Antioch Pike, Copper Fragment. Also
13 handwritten on brown paper - DKC, @0519, #10,
14 17- 0158052, 1316 Antioch Pike, (1) proj.
15 fragment copper.

16 Government No. 32....Physical clear plastic bag 178
17 with red strip across top. One projectile
18 fragment. Brown paper bag folded inside clear
19 bag. White sticker on brown paper bag -
20 PR25452806, Incident: 20170180702,
21 Description: Agg Assault, 1 projectile
22 fragment, #227 in red ink, and submitted by
23 Wolfe, Kenneth A.

24 Government No. 33....Clear plastic bag with red .230
25 strip across top of it. Contains one silver
cartridge casing and multiple brown paper
bags. Sticker on larger brown paper bag -
PR25480979, Incident: 20170447305, #219
handwritten in red ink, Category: Property,
Suspect: Unknown, Description: 10 52/64
Shooting/Death, (6) Winchester 40 S& amp: amp:
W FCC EM #3-7, 13, bar code - ZCH304X90RYR47.
(1 page)

Government No. 34....Clear plastic bag with red .230
strip across it, containing fired cartridge
casing and multiple brown paper bags and
white folded piece of paper. Handwritten on a
brown paper bag - 2017-0447305, 1088
Murfreesboro Pike, (3) Tulammo 7- 62 #39,
FCC.

Government No. 35....Clear plastic bag with red .230
strip across it, containing projectile
fragment, white folded piece of paper and
brown paper bag. White sticker in clear
plastic bag - PR25480976, Incident:
20170447305, Description-10-52/64
Shooting/Death, (1) projectile EM #8.

1 Government No. 40....Clear plastic bag with red .230
2 strip across it, containing projectile
3 fragment, brown paper bag, folded white piece
4 of paper enclosed in plastic. White sticker
5 in clear plastic bag - PR25480977, Incident:
6 20170447305, Description: 10- 52/64
7 Shooting/Death, (3) Copper fragments EM
8 #10-12.

9 Government No. 41....Clear plastic bag with red .230
10 strip across it, containing projectile
11 fragment (very damaged), brown paper bag,
12 small yellow envelope, folded white piece of
13 paper enclosed in plastic bag. White sticker
14 on brown paper bag - PR25481658, Incident:
15 20170447305, Description: 10-52/64, (2)
16 projectile fragments off dark grey t-shirt.

17 Government No. 61....Physical clear plastic bag 249
18 with red strip across top of it. Contains 1
19 silver bullet fragment, brown paper bag with
20 white folded piece of paper. White sticker on
21 brown paper bag - PR25483540, Description:
22 10-52/64/ Shooting Investigation, 1
23 projectile, bar code - ZCW1X4YC0UPDY9.

24 Government No. 65....Physical clear plastic bag 249
25 with red strip across top of it. Contains 1
copper bullet fragment, folded brown paper
bag and white folded piece of paper. Brown
paper bag - handwritten in black ink -
2017-0469010, #19, @0245, Copper fragments,
handwritten in red ink - #217, bar code
ZCW1X4YC0VMHT4 (2) copper fragments.

Government No. 66....Physical clear plastic bag 249
with red strip across top of it. Contains 1
brass fired cartridge casing, folded brown
paper bags and white folded piece of paper.
Handwritten on brown paper bag -
2017-0469010, Antioch Pike & McCall St PIC,
10-52/64, (6) Win NT 45 auto FCC.

Government No. 68....Physical clear plastic bag 249
with red strip across top of it. Contains
dull silver-like fired cartridge casing,
bulky brown paper bags. Visible on brown
paper bag, handwritten, 5/28/17 @0235, DKC,
10-52/64, (25) Tulammo 7.62x39, (5) 6-52x39
FCC and (2) Hotshot 7.62x39.

Government No. 71....Physical clear plastic bag 249
with red strip across top of it. Contains
Mexican Passport of Jesus Alberto Flores
Figuerola, brown paper bag, white folded piece
of paper.

Government No. 94....Clear plastic bag with red .201
strip across top. One copper fired cartridge
casing, one white piece of folded paper,
brown paper bag. Sticker on paper bag -
PR25450706, Incident 20170158052, Category:
Property, Suspect: Unknown, Bar Code on brown
paper bag - ZCH304UT0UIK0X, (3) 9mm Luger FCC
EM 4, 6=win EM #3, 9=F.C.

Government No. 95....Physical clear plastic bag 192
with red strip across top. One visible
projectile fragment visible. Red Evidence
tape across bottom portion of plastic bag.
Brown paper bag inside plastic bag. Contents
unknown. On brown paper bag - handwritten in
black ink - 17-0847244, 10-52164, 311 Natchez
Ct. 4 - 9mm luger (illegible).

Government No. 359....Physical DVD in white ..116
sleeve other than clear plastic middle.
Printed on DVD "U.S. v. Ochoa-Martinez, et
al." "3:18-cr-00293" "Government's Trial
Exhibit 359" "Surveillance video clip".
Hand-written initials "WD".

Government No. 360....Physical DVD in white ..116
sleeve other than clear plastic middle.
Printed on DVD "U.S. v. Ochoa-Martinez, et
al." "3:18-cr-00293" "Government's Trial
Exhibit 360" "Surveillance video clip".
Hand-written initials "WD".

Government No. 361....Color image of I.D. Photo .92
Work Order, Date: 1-19-17, Time: 0055 hrs.,
Complaint #: 17-0055926, Type Call: 52,
Victim: Roberto Viera, Address: Bishopgate
Rd.@Aldersgate Rd., Photos Take Of: Scene,
Section Req. S Patrol, Taken By: WL. (1 page)

Government No. 362....Color image of brick92
background with numbers "1025" on metal or
plastic plates attached to brick background,
black square opening above numbers. (1 page)

Government No. 363....Color image of view of brick 92
and siding house with green shutters. Shrubs
in front of house. Gray Nissan SUV in
driveway. Partial view of mailbox on left
bottom corner of image. (1 page)

Government No. 364....Color image of brick framed .92
vinyl with porch light and "1025" above
doorframe, to right of porch light. (1 page)

Government No. 365....Color image of off-white .92
wall with bullet defect. (1 page)

1 Government No. 366....Color image of hardwood ...92
2 floor, area rug to right of hardwood, and 3
3 stairs, carpeted, with wooden stair rail,
4 downward to another living area. (1 page)
5 Government No. 367....Color image of two green .92
6 with white writing cross-street signs,
7 Bishopsgate Rd and Aldersgate Rd, partial
8 view of red stop sign below the street signs.
9 (1 page)
10 Government No. 368....Color image of street with ..92
11 multiple yellow evidence markers on it.
12 Yellow evidence markers have black print
13 numbers on them. Only 1, 2 and 3 are visible.
14 Yellow police tape across road behind the
15 markers. U-Haul van in driveway on right of
16 road, tree, vehicles, and brick mailbox to
17 left of street. (1 page)
18 Government No. 369....Color image of close-up view 92
19 of yellow evidence markers on road. Black
20 numbering on markers visible are 1, 2, 3, 4,
21 5, 6, 7, and 8. (1 page)
22 Government No. 370....Color image of close-up of ..92
23 yellow evidence marker on road with black "1"
24 on both sides of marker, and L scale attached
25 to marker. Fired cartridge casing in corner
of L scale. (1 page)
Government No. 371....Color image of yellow92
evidence markers with black numbering -2 and
3, on road. Partial piece of mirror frame. (1
page)
Government No. 372....Color image of yellow92
evidence markers with black numbering - 4, 5,
6, 7 and 8, on road, partial view of vehicles
on left of image. (1 page)
Government No. 373....Color image of yellow92
evidence markers on street and driveway with
black numbering - 5, 6, 7 and 8. Partial view
of vehicles to left of image. (1 page)
Government No. 374....Color image of yellow92
evidence markers on street with black
numbering - 5, 7 and 8. (1 page)
Government No. 375....Color image of close-up of ..92
yellow evidence marker on road with black "6"
on both sides of marker, and L scale attached
to marker. Fired cartridge casing in corner
of L scale. (1 page)
Government No. 376....Color image of yellow92
evidence markers on street with black
numbering - 7 and 8. (1 page)

1 Government No. 377....Color image of close-up of ..92
2 yellow evidence marker on road with black "7"
3 on both sides of marker, and L scale attached
4 to marker. Fired cartridge casing in corner
5 of L scale. (1 page)

6 Government No. 378....Color image of close-up of ..92
7 yellow evidence marker on road with black "8"
8 on both sides of marker, and L scale attached
9 to marker. Fired cartridge casing in corner
10 of L scale. (1 page)

11 Government No. 379....Color image of yellow92
12 evidence markers on street with black
13 numbering - 9, 10 and 11. (1 page)

14 Government No. 380....Color image of close-up of ..92
15 yellow evidence marker on road with black
16 "11" on both sides of marker, and L scale
17 attached to marker. Fired cartridge casing in
18 corner of L scale. (1 page)

19 Government No. 381....Color image of I.D. Photo .92
20 Work Order, Date: 1-18-17, Time: 2355 hrs.,
21 Complaint #: 17-0055926, Type Call: 52,
22 Victim: Roberto Viera, Address: 1108 Woburn
23 Way, Photos Taken Of: Victim's vehicle,
24 Section Req. S Patrol, Officer Req. 887609,
25 Taken By: WL. (1 page)

Government No. 382....Color image of driveway,92
partial view of vinyl/brick structure on left
of driveway, SUV in driveway, trees, and yard
on right of driveway. (1 page)

Government No. 383....Color image of tan-colored ..92
2-door SUV, flat front passenger's side tire,
bullet defects front quarter panel,
passenger's side. Driver's side door ajar. (1
page)

Government No. 384....Color image of partial view 92
of grill of Scion vehicle with paper L scale
and damage to grill in corner of L scale. (1
page)

Government No. 385....Color image of hood of92
vehicle hood and windshield with 4 L scales
and bullet defects within the L scales.
Passenger side mirror broken. Measuring rod
to right of photo. (1 page)

Government No. 386....Color image of close-up view 92
of vehicle hood and windshield with 4 L
scales and bullet defects within the L
scales. (1 page)

1 Government No. 387....Color image of quarter panel 92
2 of passenger's side of vehicle, partial view
3 of tire. 3 L scales with bullet defects in
4 corners of each L scale. (1 page)

5 Government No. 388....Color image of vehicle tire .92
6 with partial view of vehicle. L scale and
7 bullet defect located on vehicle to right of
8 wheel well. L scale and bullet defect on
9 hubcap of tire. (1 page)

10 Government No. 389....Color image of 3 L scales .92
11 with bullet defects in corners of the L
12 scales. Measuring rod to right of two of the
13 L scales. (1 page)

14 Government No. 390....Color image of close-up view 92
15 of broken passenger-side mirror. Two L scales
16 and bullet defects in corners of L scales.
17 Measuring rod to left of mirror. (1 page)

18 Government No. 391....Color image of interior of ..92
19 vehicle. Black cloth seats, fast-food cups in
20 center console area with red substance on
21 tops of lids, tilted clear plastic bottle in
22 center console area with red substance on
23 bottom of it. Pink air freshener (shape of
24 tree) hung on string around gear shift. Brown
25 paper bag on passenger-side seat. (1 page)

Government No. 392....Color image of interior of ..92
vehicle. Black cloth seats, driver's side
seat has pooling of red substance towards
rear of seat. Fast-food cups in center
console area with red substance on tops of
lids, tilted clear plastic bottle in center
console area with red substance on bottom of
it. Red substance on top and side of center
console. Pink air freshener (shape of tree)
hung on string around gear shift. Brown paper
bag on passenger-side seat. Blue bottle
without lid on driver's side floorboard. (1
page)

Government No. 393....Color image of Tennessee ..149
Bureau of Investigation, Official Firearms
Report, to: Andrew Chouanard, Agency Case No.
20170055926, Date Issued: 11/20/19, Lab Case
No. 191022723, County: Davidson, and color
image of Tennessee Bureau of Investigation,
Official Firearms Report, to: Matt Fracker,
Agency Case No. 17007005, Date Issued:
11/20/19, Lab Case No. 171004990, County:
Davidson. (4 pages)

1 Government No. 394....Color image of I.D. Photo 201
Work Order, Date: 2/18/2017, Time: 0357,
2 Complaint #: 2017-0158052, Type Call: 10-83,
Victim: Several, Address: 1316 Antioch Pike,
3 Photos Taken Of: Scene, Vehicle, Evidence,
Section Req. South, Officer Req. 151122,
4 Taken By: D. Connor. (1 page)
Government No. 395....Color image of structure, ..201
5 Island Vibes, 1316 Antioch Pike Nashville TN
37211, flags along eave of porch, colorful
6 mural, tree to left of structure. (1 page)
Government No. 396....Color image of road with ..201
7 double yellow lines in middle of it, yellow
evidence markers (1) and (2) on far side of
8 yellow lines. Police vehicle to right of
image. (1 page)
9 Government No. 397....Color image multiple yellow 201
evidence markers on road (1, 2 and 3), police
10 vehicle to right of image. (1 page)
Government No. 398....Color image of multiple ..201
11 yellow evidence markers on road (4-9, etc.).
Police vehicle on far side of markers towards
12 center of image. (1 page)
Government No. 399....Color image of multiple ..201
13 yellow evidence markers on road (5-9, 11-18,
etc.). Police vehicle on far side of markers
14 towards center of image. (1 page)
Government No. 400....Color image of yellow201
15 evidence marker/L scale (1) with fired
cartridge casing to left of marker. (1 page)
16 Government No. 401....Color image of upside-down .201
yellow evidence marker/L scale (4) with fired
17 cartridge casing to left of marker. (1 page)
Government No. 402....Color image of yellow201
18 evidence markers/L scales (5 and 6) with
fired cartridge casing to left of each
19 marker. (1 page)
Government No. 403....Color image of upside- down 201
20 yellow evidence marker (5) with fired
cartridge casing to left of marker. (1 page)
21 Government No. 404....Color image of upside-down .201
yellow evidence marker (6) with fired
22 cartridge casing to left of marker. (1 page)
Government No. 405....Color image of upside-down .201
23 yellow evidence marker (18) with fired
cartridge casing to left of marker. (1 page)
24 Government No. 406....Color image of yellow201
evidence markers (19, 20 & 21) with plastic
25 cups to left of each marker. Police vehicle
to right of markers. (1 page)

1 Government No. 407....Color image of yellow201
 2 evidence markers (25, etc.) to right of
 3 structure with flags across eave, vehicles to
 4 right of markers. (1 page)

5 Government No. 408....Color image of yellow201
 6 evidence markers (32-35, 39-41). Police
 7 vehicle and red stop sign past the markers.
 8 (1 page)

9 Government No. 409....Color image of 2 storage ...201
 10 buildings and a blue trash dumpster to left
 11 of road, trees and structures at end of road.
 12 (1 page)

13 Government No. 410....Color image of ground,201
 14 concrete pad covered with leaves and trash
 15 and a cellular phone. (1 page)

16 Government No. 411....Color image of concrete pad 201
 17 covered with leaves and trash and a cellular
 18 phone (1 page)

19 Government No. 412....Color image of close-up 201
 20 view of black ZTE cellular phone. (1 page)

21 Government No. 413....Color image of screen of 201
 22 ZTE black phone showing "61782," "Familia
 23 Papo," "Chilango," "+1 678-851-1000," "Leo,"
 24 etc. (1 page)

25 Government No. 414....Color image of back of .201
 black cellular phone, ZTE, LI-ION Polymer
 Battery, Min 1820mAh (7.0 Wh) Typ 1870mAh
 (7.1Wh), etc. Bar code at bottom of back of
 phone - 10102535631782017, P/D: 2015/06/03.
 (1 page)

Government No. 439....Color image of I.D. photo 169
 Work Order, Date: 2.25.17, Time: 0650,
 Complaint #: 17-0180702, Type Cal 10-52,
 Victim: Sanchez, Hansy, Address: Murfreesboro
 & Una Antioch, Photos Taken Of: Vehicle,
 Section Req. S Patrol, Taken By: Wolfe. (1
 page)

Government No. 440....Color image of paved road, .169
 police vehicle, brown-like minivan or SUV
 with rear-end damage, white truck with topper
 to left of damaged vehicle. White vehicle to
 right of damaged vehicle, with driver's side
 door open. Yellow crime tape, Burger King
 sign past the vehicles, Cash America Pawn to
 left of Burger King sign. (1 page)

Government No. 441....Color image of rear white .169
 Scion vehicle with multiple bullet defects.
 Driver's side door open, TN license plate
 6D7-8L2, Davidson County. Police vehicle top
 right of white vehicle. (1 page)

1 Government No. 442....Color image of rear169
2 passenger view of white Scion vehicle. Rear
3 windshield missing, bullet defects on rear of
4 vehicle, bullet defects on passenger-side
5 door. Tan-like minivan to left of vehicle
6 with bumper hanging off vehicle. (1 page)
7 Government No. 443....Color image of view of169
8 passenger-side of white vehicle, multiple
9 bullet defects
10 Government No. 444....Color image of view of169
11 white Scion 2-door vehicle from
12 front-passenger side of vehicle, black hood.
13 Bullet defects on passenger-side door. (1
14 page)
15 Government No. 445....Color image of view of169
16 front of white Scion vehicle with black hood,
17 driverside door open, bullet defects on front
18 windshield. (1 page)
19 Government No. 446....Color image of white Scion .169
20 vehicle, driver-side view, bullet defect on
21 front quarter panel of vehicle, bullet
22 defects on windshield and driver-side door.
23 (1 page)
24 Government No. 447....Color image of driver-side 169
25 view of white Scion vehicle, driver-side door
open, bullet defect to right of driver-side
door. (1 page)
Government No. 448....Color image of interior of .169
vehicle from outside of driver's door. Red
substance on steering wheel, bullet defects
on front windshield, bullet defect on
driver's side headrest. (1 page)
Government No. 449....Color image of close-up of .169
bullet defect on driver's side headrest and
damaged seatbelt. (1 page)
Government No. 450....Color image of red169
substance and bullet fragment on floorboard
of white vehicle. (1 page)
Government No. 451....Color image of close-up 169
view of bullet fragment on black floorboard.
(1 page)
Government No. 452....Color image of bullet ..169
defect on dark-color fabric (vehicle seat).
(1 page)
Government No. 453....Color image of back of .169
white vehicle, missing rear windshield, glass
on inside of vehicle. (1 page)

1 Government No. 454....Color image of outside rear 169
 2 view of white Scion vehicle, multiple bullet
 3 defects on back of vehicle, missing rear
 windshield, driver-side door open, license
 plate - Tennessee, 6D7-8L2, Davidson County.
 (1 page)

4 Government No. 455....Color image of bullet ...169
 5 defects and L scales on front windshield of
 white vehicle. (1 page)

6 Government No. 456....Color image of bullet ...169
 7 defects and L scales on front windshield of
 white vehicle. (1 page)

8 Government No. 457....Color image of close-up 169
 9 view of bullet defects and an L scale on
 white vehicle door. (1 page)

10 Government No. 458....Color image of close-up of 169
 11 scale ("20") and bullet defect on white
 vehicle. (1 page)

12 Government No. 459....Color image of driver-side 169
 13 view of interior of vehicle. Red substance on
 upright portion of driver's seat, lower
 driver seat and steering wheel. Bullet defect
 on upright portion of driver's seat. (1 page)

14 Government No. 460....Color image of view of169
 15 interior driver-side door with multiple
 bullet defects. (1 page)

16 Government No. 469....Color image of I.D. Photo 230
 17 Work Order, Date: 5/21/2017, Time: 0116,
 Complaint # 2017-0447305, Type Call:
 10-52/64, Address, 1088 Murfreesboro Pike,
 Photos Taken Of: Scene, Vehicle, Evidence,
 Section Req. Hermitage, Taken By: D. Connor.
 (1 page)

18 Government No. 470....Color image of strip mall, .230
 19 including Sheeba Restaurant, Coffee Shop.
 Multiple vehicles parked in front of Sheeba
 Restaurant. (1 page)

20 Government No. 471....Color image of red Honda 230
 21 with black trunk and shattered rear
 windshield, parked in parking lot of strip
 mall. Law enforcement officer to left of
 Honda. (1 page)

22 Government No. 472....Color image of driver's 230
 23 side view of two-door red Honda with red
 rims. Driver's door open. (1 page)

24 Government No. 473....Color image of driver's 230
 25 side rear view of red Honda with driver's
 door open. Shattered rear windshield. (1
 page)

1 Government No. 474....Color image of driver's 230
 side rear view of red Honda with driver's
 2 door open. (1 page)
 Government No. 475....Color image of security ..230
 3 camera at top right of image. (1 page)
 Government No. 476....Color image of security ..230
 4 camera towards left of image. Doors with
 "1088" above each door to the right of
 5 camera. (1 page)
 Government No. 477....Color image of security ...230
 6 camera, top right of image. (1 page)
 Government No. 478....Color image of two security 230
 7 cameras. (1 page)
 Government No. 479....Color image of two security 230
 8 cameras above windows of establishment. (1
 page)
 Government No. 480....Color image of close-up 230
 view of two security cameras. (1 page)
 10 Government No. 481....Color image of close-up 230
 view of driver's side shattered rear window
 11 of red Honda. Bullet defects in window and
 bottom right of window. (1 page)
 12 Government No. 482....Color image of exterior 230
 side of driver's door of red Honda with
 13 multiple bullet defects and shattered window.
 (1 page)
 14 Government No. 483....Color image of interior 230
 side of red Honda with bullet defects in door
 15 panel. (1 page)
 Government No. 484....Color image of gray front ..230
 16 seats, red substance and bullet defects in
 seats and headrest. (1 page)
 17 Government No. 485....Color image of front230
 driver's side of red Honda vehicle. (1 page)
 18 Government No. 486....Color image of passenger's 230
 side view of red 2-door Honda vehicle with
 19 red rims. (1 page)
 Government No. 487....Color image of passenger's 230
 20 side of vehicle with bullet defects. (1 page)
 Government No. 488....Color image of rear230
 21 passenger's view of red Honda, rear
 windshield shattered, bullet defects along
 22 passenger's side of vehicle. (1 page)
 Government No. 489....Color image of fired230
 23 cartridge casing on pavement. (1 page)
 Government No. 490....Color image of building230
 24 structure, Sheeba Restaurant Coffee Shop. (1
 page)
 25 Government No. 491....Color image of mid-range 230
 view of bullet projectile on ground. (1 page)

1 Government No. 492....Color image of close-up 230
view of projectile on ground. (1 page)

2 Government No. 493....Color image of yellow230
evidence marker (1) on pavement. (1 page)

3 Government No. 494....Color image of yellow230
evidence markers (1 and 2) in parking lot. (1
4 page)

5 Government No. 495....Color image of yellow230
evidence markers (1 and 2) in parking lot. (1
6 page)

7 Government No. 496....Color image of back view of 230
red Honda with black trunk and multiple
8 yellow evidence markers around the Honda in
parking lot. yellow evidence markers (1 and
9 2) on pavement. (1 page)

10 Government No. 497....Color image of yellow230
evidence markers (9 & 10) in parking lot.
yellow evidence markers (1 and 2) on
11 pavement. (1 page)

12 Government No. 498....Color image of rear230
driver's side angle, rear windshield
shattered, driver's side back window
13 shattered, yellow evidence markers (3 - 7).
yellow evidence markers (1 and 2) on
pavement. (1 page)

14 Government No. 499....Color image of rear230
driver's side view of red Honda vehicle with
black trunk, driver's door open, yellow
15 evidence markers (3 - 7). yellow evidence
markers (1 and 2) on pavement. (1 page)

16 Government No. 500....Color image of view of230
driver's side of red Honda, driver's door
open, yellow evidence markers, red rims, back
17 driver's side window shattered. yellow
evidence markers (1 and 2) on pavement. (1
18 page)

19 Government No. 501....Color image of view of230
driver's side of red Honda, driver's door
open, yellow evidence markers, red rims, back
20 driver's side window shattered. yellow
evidence markers (1 and 2) on pavement. (1
21 page)

22 Government No. 502....Color image of front of230
building structure, Sheeba Restaurant Coffee
23 Shop. (1 page)

24 Government No. 503....Color image of front of red 230
Honda vehicle with driver's door open and
yellow evidence markers to each side of the
25 Honda. (1 page)

1 Government No. 504....Color image of front of red 230
2 Honda vehicle with driver's door open and
yellow evidence markers to each side of the
Honda. (1 page)

3 Government No. 505....Color image of yellow230
4 evidence marker (8), yellow crime scene tape
and red vehicle on other side of crime scene
tape. (1 page)

5 Government No. 506....Color image of rear230
6 driver's side view of red Honda vehicle with
black trunk, rear windshield shattered.
7 Yellow evidence markers behind and to the
right of the vehicle. (1 page)

8 Government No. 507....Color image of two yellow ..230
9 evidence markers (1 & 2) on pavement. (1
page)

10 Government No. 508....Color image of two yellow ..230
11 evidence markers (1 & 2) on pavement. (1
page)

12 Government No. 509....Color image of yellow230
13 evidence marker (1) on pavement. Small yellow
square outlined in black, bottom right of
14 image, Government Exhibit 509, 3:18-cr- 00293
(1 page)

15 Government No. 510....Color image of close-up 230
16 view of yellow evidence marker (1) on
pavement. (1 page)

17 Government No. 511....Color image of close-up 230
18 view of yellow evidence marker (1) with fired
cartridge casing to left of marker. (1 page)

19 Government No. 512....Color image of distant 230
20 view of yellow evidence marker (2). (1 page)

21 Government No. 513....Color image of mid-range 230
22 view of yellow evidence marker (2). (1 page)

23 Government No. 514....Color image of distant 230
24 view of yellow evidence marker (2), right of
image. (1 page)

25 Government No. 515....Color image of mid-range 230
view of yellow evidence marker (2), lower
center of image. (1 page)

Government No. 516....Color image of rear view of 230
driver's side red Honda vehicle, driver's
door open, yellow evidence markers on side
and at rear of vehicle. (1 page)

Government No. 517....Color image of upside-down .230
yellow evidence marker (4). Bullet projectile
to left of marker. (1 page)

Government No. 518....Color image of upside-down .230
yellow evidence marker (8) with bullet
projectile to left of marker. (1 page)

1 Government No. 519....Color image of yellow230
evidence marker (10) on pavement. (1 page)

2 Government No. 520....Color image of close-up 230
view of yellow evidence marker (10). (1 page)

3 Government No. 521....Color image of yellow230
evidence marker/L scale (10) with bullet
4 projectile in corner of L scale. (1 page)

5 Government No. 522....Color image of backseat of 230
red vehicle. Yellow evidence markers (11 &
6 12) on backseat with shattered glass. (1
page)

7 Government No. 523....Color image of close-up 230
view of upside-down yellow evidence marker
8 (11) with copper-like projectile to right of
marker among shattered glass. (1 page)

9 Government No. 524....Color image of close-up 230
view of upside-down yellow evidence marker
10 (12) among shattered glass. (1 page)

11 Government No. 552....Color image of I.D. photo 230
Work Order, Date: 5/22/17, Time: 2236,
12 Complaint #2017-0447305, Type Call: 10-52/64,
Victim: Ammerli Josue Garcia-Munoz, Address:
13 400 Myatt Drive, Photos Taken Of: Victim's
clothing/belongings, Section Req. Hermitage,
Taken By: D. Connor. (1 page)

14 Government No. 553....Color image of dark-colored 230
t-shirt with printed pocket. Shirt is cut and
15 torn with dark-colored substance on most of
it. 11 white L scales (numbered 1 - 11), L
16 scale at bottom left corner outside of shirt.
(1 page)

17 Government No. 599....Color image of I.D. Photo 249
Work Order, Date: 5/28/17, Time: 0016,
18 Complaint #2017-0469010, Type Call: 10-52,
Victim: Jesus Alberto Flores, Address:
19 Antioch Pike & McCall St., Photos Taken Of:
Scene, Vehicle, Evidence. Section Req. South,
Taken By: D. Connor. (1 page)

20 Government No. 600....Color image of side view of 249
pewter-color 4-door sedan on road. (1 page)

21 Government No. 601....Color image of partial view 249
driver's side of vehicle on road. (1 page)

22 Government No. 602....Color image of yellow249
crime-scene tape from street intersection
23 sign to other side of road. (1 page)

24

25

1 Government No. 603....Color image of wet road, ..249
2 yellow crime-scene tape on right side of
3 image. Police vehicle above crime-scene tape.
4 (1 page)

5 Government No. 604....Color image of yellow249
6 crime-scene tape across wet road. (1 page)

7 Government No. 605....Color image of wet road 249
8 with yellow evidence marker (1) to left of
9 image. (1 page)

10 Government No. 606....Color image of wet road, .249
11 black mailbox, and fire hydrant to right of
12 image, multiple yellow evidence markers on
13 road. (1 page)

14 Government No. 607....Color image of multiple ..249
15 yellow evidence markers (#7 is at front right
16 of image) on wet road. (1 page)

17 Government No. 608....Color image of multiple ..249
18 yellow evidence markers (8 - 13) on wet road.
19 (1 page)

20 Government No. 609....Color image of yellow249
21 evidence markers (14-18) on wet road.
22 Oncoming vehicle on left of image. (1 page)

23 Government No. 610....Color image of yellow249
24 evidence markers on far side of wet road.
25 Crime-scene tape attached to yellow street
sign with red octagon shape and black up
arrow on sign. (1 page)

Government No. 611....Color image of multiple ..249
yellow evidence markers on wet road.
Crime-scene tape on left of image. Police
vehicle parked perpendicular to road. (1
page)

Government No. 612....Color image of yellow249
evidence markers (#40 in forefront of image),
yellow crime-scene tape on right side of
image, police vehicle parked at angle past
the evidence markers. (1 page)

Government No. 613....Color image of telephone 249
pole with yellow placard sign on it
"11702112." (1 page)

Government No. 614....Color image of yellow249
evidence marker (1) on wet road. (1 page)

Government No. 615....Color image of yellow249
evidence marker with a ruler (1) and a fired
cartridge casing to right of evidence marker.
(1 page)

1 Government No. 616....Color image of yellow249
evidence markers (2 & 3). Fired cartridge
2 casing to left of evidence marker 2. (1 page)
Government No. 617....Color image of yellow249
3 evidence markers (2 & 3). Fired cartridge
casing to left of evidence marker 2. (1 page)
4 Government No. 618....Color image of close-up 249
view of yellow evidence marker (2). Fired
5 cartridge casing to left of evidence marker.
(1 page)
6 Government No. 619....Color image of close-up ...249
view of yellow evidence marker (3). Fired
7 cartridge casing to left of evidence marker.
(1 page)
8 Government No. 620....Color image of yellow249
evidence marker (8). Fired cartridge casing
9 to left of evidence marker. Small yellow
square outlined in black, bottom right of
10 image, Government Exhibit 620, 3:18-cr-00293
(1 page)
11 Government No. 621....Color image of yellow249
evidence markers (11 - 13) on wet road. (1
12 page)
Government No. 622....Color image of yellow249
13 evidence marker (13) to left side of image.
(1 page)
14 Government No. 623....Color image of lateral249
view of wet road, yellow evidence marker on
15 other side of yellow solid line on road. Yellow
crime-scene tape on left side of image.
16 (1 page)
Government No. 624....Color image of lateral249
17 view of wet road with 3 yellow evidence markers
on road. (1 page)
18 Government No. 625....Color image of yellow249
evidence markers (8 - 13) on wet road. (1
19 page)
Government No. 626....Color image of yellow249
20 evidence markers (14 at forefront). Yellow
crime-scene tape attached to mailbox. Second
21 yellow crime-scene tape attached to yellow
sign with red octagon and black up arrow on
22 it. (1 page)
Government No. 627....Color image of yellow249
23 evidence markers on wet road. (1 page)
Government No. 628....Color image of yellow249
24 evidence markers (14 at forefront). (1 page)
25

1 Government No. 629....Color image of close-up ...249
view of yellow evidence marker (14) with fired
2 cartridge casing to left of evidence marker.
(1 page)

3 Government No. 630....Color image of close-up ...249
view of yellow evidence markers (15 - 18) on
4 wet road. (1 page)

5 Government No. 631....Color image of close-up ...249
view of yellow evidence markers (15 - 18) on
wet road. (1 page)

6 Government No. 632....Color image of close-up ...249
view of yellow evidence marker (19) with
7 projectile fragment to left of evidence marker
on wet road. (1 page)

8 Government No. 633....Color image of close-up ...249
view of yellow evidence marker (20) with
9 projectile fragment to right of evidence
marker. (1 page)

10 Government No. 634....Color image of close-up ...249
view of yellow evidence marker (21) with black
11 object to left of evidence marker. (1 page)

12 Government No. 635....Color image of street249
intersection signs - Antioch Pk, Antioch and
McCall St. (1 page)

13 Government No. 636....Color image of close-up ...249
view of yellow evidence marker (24) with fired
14 cartridge casing to left of evidence marker.
(1 page)

15 Government No. 637....Color image of close-up ...249
view of yellow evidence marker (25) with fired
16 cartridge casing to right of evidence marker.
(1 page)

17 Government No. 638....Color image of multiple ..249
yellow evidence markers on wet road, yellow
18 crimescene tape to left of image. Police
vehicle perpendicular to road. (1 page)

19 Government No. 639....Color image of yellow249
evidence markers on wet road. Police vehicle
20 parked perpendicularly to direction of road.
(1 page)

21 Government No. 640....Color image of close-up ...249
view of yellow evidence marker (29). (1 page)

22 Government No. 641....Color image of yellow249
evidence markers (30, 31, 33-37) on wet road.
23 Police vehicle parked perpendicularly to
direction of road. Small yellow square
24 outlined in black, bottom right of image,
Government Exhibit 641, 3:18-cr- 00293 (1
25 page)

1 Government No. 642....Color image of yellow249
evidence markers (30, 31, 34 - 37) on wet
2 road (1 page)
3 Government No. 643....Color image of yellow249
evidence markers (30 in the forefront of
4 image) on wet road. Police vehicle parked
perpendicularly to the direction of the road.
(1 page)
5 Government No. 644....Color image of yellow249
evidence markers (30 in the forefront of
6 image) on wet road. (1 page)
7 Government No. 645....Color image of close-up of .249
yellow evidence marker (30) on wet road.
White painted line on right of image. (1
8 page)
9 Government No. 646....Color image of close-up ...249
view of yellow evidence marker (30) with fired
cartridge casing to left of evidence marker on
10 wet road. (1 page)
11 Government No. 647....Color image of yellow249
evidence markers (31 on right forefront of
image) on wet road. (1 page)
12 Government No. 648....Color image of yellow249
evidence markers (31 on right forefront of
13 image) on wet road. Police vehicle parked at
angle on road. (1 page)
14 Government No. 649....Color image of yellow249
evidence markers (31 on right forefront of
15 image) on wet road. Police vehicle parked at
angle on road. (1 page)
16 Government No. 650....Color image of yellow249
evidence markers (32 on right forefront of
17 image) on wet road, yellow crime-scene tape
to right of evidence markers attached to
18 traffic sign. (1 page)
19 Government No. 651....Color image of yellow249
evidence marker (31) on left side of image on
road. (1 page)
20 Government No. 652....Color image of close-up ...249
view of yellow evidence marker (31) with a
21 fired cartridge casing on each side of evidence
marker. (1 page)
22 Government No. 653....Color image of yellow249
evidence marker (32) on wet road on right
23 side of image and yellow crime-scene tape on
right side of image. (1 page)
24 Government No. 654....Color image of close-up ...249
view of yellow evidence marker (32) on road.
25 (1 page)

1 Government No. 655....Color image of close-up ...249
view of yellow evidence marker (32) with fired
2 cartridge casing to left of evidence marker.
(1 page)

3 Government No. 656....Color image of yellow249
evidence markers (34 at right forefront of
4 image) on wet road. (1 page)

5 Government No. 657....Color image of yellow249
evidence markers (34 at right forefront of
6 image) on wet road. Police vehicle parked
perpendicularly to direction of road. (1
page)

7 Government No. 658....Color image of yellow249
evidence markers (33, 35, 36, 37 & 38 with 33
8 at left forefront of image) on wet road. (1
page)

9 Government No. 659....Color image of close-up ...249
view of yellow evidence marker (33) with fired
10 cartridge casing to left of evidence marker.
(1 page)

11 Government No. 660....Color image of close-up ...249
view of yellow evidence marker (34) and yellow
12 evidence marker (37) further away on image.
Evidence marker 34 on side of road. Evidence
13 marker 37 on road. (1 page)

14 Government No. 661....Color image of close-up ...249
view of yellow evidence marker (34) with fired
15 cartridge casing to left of evidence marker.
(1 page)

16 Government No. 662....Color image of yellow249
evidence markers (35 - 37) on wet road. (1
page)

17 Government No. 663....Color image of yellow249
evidence markers (35 & 36) with a fired
18 cartridge casing to left of each of evidence
markers. (1 page)

19 Government No. 664....Color image of yellow249
evidence marker (35) with a fired cartridge
20 casing to left of evidence marker. (1 page)

21 Government No. 665....Color image of yellow249
evidence marker (36) with a fired cartridge
casing to left of evidence marker. (1 page)

22 Government No. 666....Color image of yellow249
evidence marker (37) with a fired cartridge
23 casing to left of evidence marker. (1 page)

24 Government No. 667....Color image of yellow249
evidence markers (38 in forefront of image)
with yellow crime-scene tape behind it on wet
25 road. (1 page)

1 Government No. 668....Color image of yellow249
evidence marker (38) with a fired cartridge
2 casing to left of evidence marker. (1 page)
Government No. 669....Color image of yellow249
3 evidence markers (38 in forefront of image)
on wet road with yellow crime-scene tape to
4 top right of image. (1 page)
Government No. 670....Color image of yellow249
5 evidence markers (38 in forefront of image)
on wet road. (1 page)
6 Government No. 671....Color image of yellow249
evidence markers (39 in forefront of image)
7 on wet road. Intersecting road signs top left
of image and police vehicle perpendicular to
8 direction of road. (1 page)
Government No. 672....Color image mid-range of .249
9 yellow evidence markers (39 in forefront of
image) on wet road. Intersecting road signs
10 top left of image and police vehicle
perpendicular to direction of road. (1 page)
11 Government No. 673....Color image mid-range of ..249
yellow evidence markers (39 in forefront of
12 image) on wet road. Intersecting road signs
top left of image and police vehicle
13 perpendicular to direction of road. (1 page)
Government No. 674....Color image of yellow249
14 evidence markers (39 at forefront of image)
on wet road. (1 page)
15 Government No. 675....Color image of two yellow ..249
evidence markers (39 to right of image and 40
16 to left of image) on wet road. (1 page)
Government No. 676....Color image of close-up ...249
17 view of yellow evidence marker (39) with fired
cartridge casing to right of evidence marker.
18 Small yellow square outlined in black, bottom
right of image, Government Exhibit 676,
19 3:18-cr-00293 (1 page)
Government No. 677....Color image of yellow249
20 evidence markers on wet road. House with
vehicle in covered carport beyond the
21 evidence markers. Small yellow square
outlined in black, bottom right of image,
22 Government Exhibit 677, 3:18-cr-00293 (1
page)
23 Government No. 678....Color image of yellow249
evidence markers (40 & 41) on wet road. House
24 with vehicle in covered carport beyond the
evidence markers. (1 page)
25

1 Government No. 679....Color image of yellow249
 2 evidence markers (41 in forefront of image)
 3 on wet road, yellow crime-scene tape beyond
 4 the evidence markers. (1 page)

5 Government No. 680....Color image of yellow249
 6 evidence markers (41 in forefront of image)
 7 on wet road, yellow crime-scene tape to right
 8 of image. (1 page)

9 Government No. 681....Color image of yellow249
 10 evidence markers on wet road, intersecting
 11 street signs, yellow crime-scene tape
 12 attached to street signs. (1 page)

13 Government No. 682....Color image of yellow249
 14 evidence marker in front of storm drain,
 15 yellow crime scene tape across image on wet
 16 road. (1 page)

17 Government No. 683....Color image of yellow249
 18 evidence marker and yellow crime scene tape
 19 across image on wet road. (1 page)

20 Government No. 684....Color image of rear249
 21 driver's side angle of pewter-colored Nissan
 22 4-door vehicle with two white stickers on
 23 rear windshield. (1 page)

24 Government No. 685....Color image of rear249
 25 driver's side view of pewter-colored 4-door
 vehicle. (1 page)

Government No. 686....Color image of front249
 driver's side view of pewter-colored 4-door
 vehicle. Flat driver's side tire. (1 page)

Government No. 687....Color image of front of249
 pewter-colored Nissan vehicle. (1 page)

Government No. 688....Color image of front249
 passenger's side view of pewter-colored
 4-door Nissan vehicle. Flat passenger's side
 front tire. (1 page)

Government No. 689....Color image of passenger's 249
 side of pewter-colored 4-door vehicle. Flat
 front passenger's side front tire. (1 page)

Government No. 690....Color image of rear249
 passenger's side view of pewter-colored
 4-door Nissan vehicle. (1 page)

Government No. 691....Color image of wet road 249
 with driver's side rear quarter panel on
 bottom left of image. (1 page)

Government No. 692....Color image of wet road 249
 with yellow crime-scene tape on far side of
 road. (1 page)

Government No. 693....Color image of wet road 249
 with driver's side front quarter panel of
 vehicle on bottom right of image. (1 page)

1	Government No. 694....Color image of wet road	249
2	with driver's side front quarter panel of	
3	vehicle on bottom right of image. (1 page)	
4	Government No. 695....Color image of wet road	249
5	with yellow crime-scene tape across image,	
6	driver's side front quarter panel of vehicle	
7	on bottom right of image housing structure on	
8	far side of road. (1 page)	
9	Government No. 696....Color image of wet road,	.249
10	small portion of rear of vehicle on bottom	
11	left of image, yellow crime-scene tape along	
12	sidewalk to left of road. Telephone pole to	
13	left of road. (1 page)	
14	Government No. 697....Color image of passenger's	249
15	side rear corner of vehicle, yellow	
16	crime-scene tape along sidewalk and fence. (1	
17	page)	
18	Government No. 698....Color image of side of249
19	driver's side of vehicle with bullet defect	
20	in vehicle. Measuring road to right of bullet	
21	defect. (1 page)	
22	Government No. 699....Color image of close-up	...249
23	view of bullet defect with measuring tool to	
24	right of defect. (1 page)	
25	Government No. 700....Color image of front	...249
26	portion of driver's side of vehicle. Bullet	
27	defect in door of vehicle. (1 page)	
28	Government No. 701....Color image of front left	249
29	view of vehicle, headlight on, measuring rod	
30	against vehicle. (1 page)	
31	Government No. 702....Color image of close-up	...249
32	view of front left side vehicle, measuring rod	
33	standing against headlight, small measuring	
34	tool below bullet defect. (1 page)	
35	Government No. 703....Color image of front of249
36	pewter-colored vehicle, measuring rod located	
37	in front of vehicle grill, to the left of the	
38	car symbol. Small measuring tool on hood of	
39	car, to the left of the measuring rod. (1	
40	page)	
41	Government No. 704....Color image of bullet	..249
42	defect with small measuring tool beneath the	
43	defect. (1 page)	
44	Government No. 705....Color image of hood of	...249
45	vehicle with bullet defect in lower left side	
46	of windshield. (1 page)	
47	Government No. 706....Color image of vehicle249
48	windshield, bullet defect towards bottom left	
49	side of windshield with small measuring tool	
50	above the defect. (1 page)	

1 Government No. 707....Color image of close-up ...249
 2 view of shattered window with bullet defect in
 3 middle of damage, small measuring tool above
 4 defect. Measuring tool "WL. Fleak". (1 page)
 5 Government No. 708....Color image (portrait249
 6 orientation) of front passenger's side of
 7 vehicle. Partial view of tire on bottom right
 8 of image, measuring rod located beside
 9 vehicle, in front of sideview mirror. (1
 10 page)
 11 Government No. 709....Color image of interior of .249
 12 Nissan Maxima vehicle, black leather
 13 interior. (1 page)
 14 Government No. 710....Color image of close-up ...249
 15 view of driver's side seat. Black cell phone
 16 located on seat (1 page)
 17 Government No. 711....Color image of close-up ...249
 18 view of black cell phone (cracked screen) on
 19 black seat. (1 page)
 20 Government No. 712....Color image of clear ...249
 21 plastic bottle and black object (to left of
 22 bottle) on grassy area. Residential home in
 23 background. (1 page)
 24 Government No. 713....Color image of grassy area. 249
 25 Residential home in background. (1 page)
 Government No. 805....Color image of I.D. Photo 169
 Work Order, Date: 9.24.17, Time: 0820,
 Complaint #: 17-0847244, Type Call: 10-52/06,
 Victim: UAT, Address: 311 Natchez Ct, Photos
 Taken Of: Scene & Victims, Section Req. S
 Patrol, Office Req. Baltimore. (1 page)
 Government No. 806....Color image of entrance to .169
 Maple Crest Apartments, yellow crime scene
 tape, silver Toyota Camry to left of
 apartment entrance. (1 page)
 Government No. 807....Color image of road with ..169
 two police cars facing each other with yellow
 crime scene tape. Apartment building to right
 of image. Mi Ranchito Market sign to left of
 road. (1 page)
 Government No. 808....Color image of pavement 169
 with fired cartridge casing on it, yellow
 crime scene tape and orange pylon at top of
 image. (1 page)
 Government No. 809....Color image of close-up ...169
 view of fired cartridge casing. (1 page)
 Government No. 810....Color image of surveillance 169
 camera attached to brick wall. "A" below
 camera, windows and siding to left of camera.
 (1 page)

1 Government No. 811....Color image of inside169
2 apartment complex. Dark colored Lincoln
3 vehicle parked in road. Both driver and
4 passenger doors open. (1 page)
5 Government No. 812....Color image of close-up 169
6 view inside apartment complex. Dark colored
7 Lincoln vehicle parked in road. Both driver
8 and passenger doors open. (1 page)
9 Government No. 813....Color image of red fluid .169
10 trail from dark-colored Lincoln vehicle and
11 fired cartridge casings. (1 page)
12 Government No. 814....Color image of view from 169
13 back driver's side. Both front driver and
14 back driver-side doors open. View of male
15 (back of head and partial torso) hanging out
16 of driver's side back door. Red fluid trail
17 from vehicle. (1 page)
18 Government No. 815....Color image of rear view of 169
19 passenger's side of black Lincoln vehicle,
20 front passenger's side door open, back
21 passenger's side window shattered. (1 page)
22 Government No. 816....Color image of view of169
23 front of black Lincoln vehicle, driver's side
24 front and rear doors open, passenger's side
25 front door open. Male body in front passenger's
seat. (1 page)
Government No. 817....Color image of view of169
front of black Lincoln vehicle, driver's side
front and rear doors open, passenger's side
front door open. Male body in front passenger's
seat. Law enforcement officer standing near
rear passenger's side door. (1 page)
Government No. 818....Color image of close-up ...169
view of rear of black Lincoln vehicle, two
yellow evidence markers, 7 and 8. Temporary
license plate, C610659. Male individual in
khaki pants and light-colored shirt to right of
vehicle. (1 page)
Government No. 819....Color image of view from 169
rear passenger's side of black Lincoln
vehicle. Front passenger's side door open,
rear passenger's window shattered, yellow
evidence markers on ground, to right of
vehicle (11, 12, 13, 14, 15 & 17). (1 page)

1 Government No. 820....Color image of close-up ...169
 2 view of right side of black vehicle with human
 3 hand and blue-jean clad legs in front
 4 passenger's seat, front passenger-side door
 5 open. Rear passenger's side windows shattered.
 6 Yellow evidence markers on road (10, 12, 13 &
 7 14). (1 page)

8 Government No. 821....Color image vehicle window 169
 9 with bullet defect. (1 page)

10 Government No. 822....Color image of close-up ...169
 11 view of right side of black vehicle with male
 12 upper torso in front passenger's seat, front
 13 passenger-side door open. Rear passenger's side
 14 windows shattered. Yellow evidence markers on
 15 road (11 & 14). (1 page)

16 Government No. 823....Color image of passenger's 169
 17 side window with bullet defect and partial
 18 view of

19 Government No. 824....Color image of front169
 20 passenger's door with bullet defects in door,
 21 window, and side-view mirror. (1 page)

22 Government No. 825....Color image of close-up ...169
 23 view of bullet defect on passenger's side door.
 24 (1 page)

25 Government No. 826....Color image of view of .169
 black Lincoln vehicle from front passenger's
 side angle, human body in passenger's side
 seat with door open, yellow evidence markers
 (1s, 14, 15 & 16). (1 page)

Government No. 827....Color image of view from ...169
 driver's side of black 4-door Lincoln
 vehicle, human body in passenger's side, both
 driver's side doors open. Red fluid trail
 from vehicle. Yellow evidence marker (8). (1
 page)

Government No. 828....Color image of close-up 169
 view from back driver's side. Both front
 driver and back driver-side doors open. View
 of male (back of head and partial torso)
 hanging out of driver's side back door.
 Yellow evidence marker on ground (8). Red
 fluid trail from vehicle. (1 page)

Government No. 829....Color image of interior of .169
 Lincoln vehicle from front driver's side.
 Both front doors open. Male victim's body in
 passenger's seat. 93 (1 page)

Government No. 830....Color image of front169
 passenger's door open, bullet defect in
 window, lower portion of male victim's legs
 and feet, wearing tennis shoes. Red substance

1 on inside of door and window. Yellow evidence
2 marker (20) outside of door. (1 page)
3 Government No. 831....Color image of back of male 169
4 victim's torso, wearing brown pants, brown
5 belt, gray Hanes underwear and dark-colored
6 shirt, two bullet wounds in lower back. (1
7 page)
8 Government No. 832....Color image of road with ..169
9 yellow crime scene tape on left side of it.
10 Police car to right of crime scene tape,
11 facing towards the camera. Yellow evidence
12 marker in front of police car. (1 page)
13 Government No. 833....Color image of close-up ...169
14 view of yellow crime scene tape on left side of
15 it. Police car to right of crime scene tape,
16 facing towards the camera. Yellow evidence
17 marker (1) in front of police car. Small yellow
18 square outlined in black, bottom right of
19 image, Government Exhibit 833, 3:18-cr-00293
20 (1 page)
21 Government No. 834....Color image of yellow169
22 evidence marker (1) (L scale) with fired
23 cartridge casing in corner of L scale portion
24 of marker. (1 page)
25 Government No. 835....Color image of rear of .169
 black Lincoln vehicle with doors open.
 Multiple yellow evidence markers on each side
 of vehicle. (1 page)
 Government No. 836....Color image of rear of .169
 black Lincoln vehicle with doors open.
 Multiple yellow evidence markers on each side
 of vehicle. (1 page)
 Government No. 837....Color image of red fluid .169
 trail on pavement with yellow evidence
 markers on each side of red fluid trail (2,
 3, 4, 5 & 6). Fired cartridge cases within L
 scales of evidence markers. (1 page)
 Government No. 838....Color image of close-up ...169
 view of yellow evidence marker (2) attached to
 an L scale. Fired cartridge casing within
 corner of L scale. (1 page)
 Government No. 839....Color image of close-up ...169
 view of yellow evidence marker (3) attached to
 an L scale. Fired cartridge casing outside of L
 scale lying in red fluid trail. (1 page)
 Government No. 840....Color image of yellow169
 evidence marker (9) attached to L scale on
 pavement. (1 page)

1 Government No. 841....Color image of right-side 169
2 view of black Lincoln vehicle, front
3 passenger's door open, back two passenger
4 side windows shattered. Yellow evidence
5 markers to right of vehicle (10, 11, 12, 13,
6 14, 15, 17 & 20). (1 page)
7 Government No. 842....Color image of front169
8 passenger's side, door open, yellow evidence
9 markers alongside of vehicle (12, 14, 15, 16,
10 17, 18, 19 & 20). (1 page)
11 Government No. 843....Color image of yellow169
12 evidence markers (24, 2, 3, 4, 5, 6, 7, 8 &
13 9) to left of rear driver's side of black
14 Lincoln vehicle. (1 page)
15 Government No. 844....Color image of view from ...169
16 driver's side of black Lincoln vehicle, with
17 front driver's side door open. Yellow
18 evidence marker (24) on pavement in front of
19 vehicle. (1 page)
20 Government No. 845....Color image of front view .169
21 of black Lincoln vehicle, with 3 yellow
22 evidence markers on hood and front windshield
23 (26, 27 & 28). Human body in front passenger's
24 seat. (1 page)
25 Government No. 846....Color image of close-up ...169
view of yellow evidence marker 26 to right of
fired cartridge casing on windshield. (1 page)
Government No. 847....Color image of close-up ...169
view of yellow evidence markers 27 and 28 with
fired cartridge casings on windshield below
evidence markers. (1 page)
Government No. 848....Color image of front view .169
of black Lincoln vehicle, with multiple yellow
evidence markers on hood and front windshield,
and in front of and on each side of the
vehicle. (1 page)
Government No. 849....Color image of front view .169
of black Lincoln vehicle, with multiple yellow
evidence markers on hood and front windshield,
and in front of and on each side of the
vehicle. (1 page)
Government No. 850....Color image of backside of 169
male victim's body, brown shorts, across
length of backseat of black Lincoln vehicle.
Shards of glass in backseat, along with red
fluid on seat and victim's shorts.
Government No. 851....Color image of ID card for .169
Hector Jose Pagada, Honduras. ID card held by
blue-gloved fingers. (1 page)

Government No. 852....Color image of male169
 victim's mid-torso area. Brown shorts, brown
 belt, keys on torso, red star tattoo on
 victim's right hand, black watch on left
 wrist, red fluid stains on shorts. Bullet
 wounds on right arm. (1 page)

Government No. 1220....Physical clear plastic bag 201
 with red strip across top of it. One fired
 cartridge casing. Multiple small brown paper
 bags. White sticker on paper bag - Case
 Number: 776075-17-0064, Action - Retained for
 Evidence, Cust Date 05/26/2020, Exh # 157,
 Description - Other: Other, five (5)
 Winchester .45 Auto FCC, Location Recovered
 From - Rodriguez and Pedroza homicide,
 Nashville, TN

Government No. 1235....Color image of map - ..103
 Google Maps - 1108 Woburn Way. Small yellow
 square outlined in black, bottom right of
 image, Government Exhibit 1235, 3:18-cr-
 00293 (1 page)

Government No. 1255....Color image of aerial map -103
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Government No. 1304....Color image of top of125
 handgun, stamped "40 S&W". (1 page)

Government No. 1305....Color image of barrel of ..125
 handgun being held by black-gloved fingers, 1
 round of ammunition sticking out of chamber.
 4 rounds of ammunition under handgun. (1
 page)

Government No. 1306....Color image of serial ..125
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Government No. 1307....Color image of122
 pewter-color 4-door vehicle, driver's side
 view, driver's door open. (1 page)

Government No. 1308....Color image of interior of 122
 pewter vehicle. View from open driver's door.
 Cloth seats with dark-colored hat on driver's
 seat. (1 page)

Government No. 1310....Color image of110
 diagram-Date/Time: 5-28-17/0045 hrs.,
 Complaint #: 17- 0469010, Location: Antioch
 Pike @ McCall Street, Scene: 10-52/64,
 Victim: Jesus Alberto Flores, Drawn By:
 Warren L. Fleak, Not to Scale. (2 pages)

1
2 The above-styled cause came to be heard on
3 April 13, 2023, before the Hon. Eli Richardson, District
4 Judge, when the following proceedings were had at
5 9:05 a.m. to-wit:

6
7 THE COURT: Thank you. Please be seated.

8 All right. Looks like we are up to Day 7
9 of the trial in *United States versus Flores*. We were
10 coming up on the next phase of the cross-examination by
11 Mr. Bloom of Mr. Avila.

12 Any preliminary matters that the parties
13 have at this time?

14 MR. SAFEEULLAH: Not from the
15 United States.

16 THE COURT: Anything from defendant's side?
17 Doesn't look like it.

18 I'm going to raise something with the
19 government. I don't think the defense have a dog in this
20 hunt, but just to speed things along, there was a filing
21 in this case that counsel may be familiar with, a motion
22 to return one of the defendants to state custody, if you
23 know what I mean.

24 MR. SAFEEULLAH: Yes, we do, Your Honor.

25 THE COURT: Any objection -- any logistical

1 or other reason why the government might have an
2 objection to that?

3 MR. SAFEEULLAH: Yes, the United States
4 objects to that. Sorry, Your Honor.

5 THE COURT: Go ahead. Yeah, go ahead.

6 MR. SAFEEULLAH: We intend to file a
7 written response objecting to that. I think,
8 logistically, the marshals do not need to continue to be
9 transporting people back to state custody, back to
10 federal custody, that have already pled guilty. And also
11 that individual has continued activity related to the
12 racketeering crimes while in state custody, and we would
13 ask that he remain in the custody of the marshals. And
14 we can put this in a written filing.

15 THE COURT: All right. Thank you,
16 Mr. Safeeullah. That's helpful, because that is -- I'm
17 confident your experience has been, a lot of times,
18 pretty routine, the government has no objection. And if
19 that had been the case, and then we'd speed this along.
20 Understood, the government is permitted to object. The
21 usual rule would be to have 14 days to respond to
22 something like this. So let's say this: When do you
23 think you can file a response on that one?

24 MR. SAFEEULLAH: By the close of business
25 tomorrow.

1 THE COURT: Tomorrow, okay. So we'll take
2 a look at that and may give time for a reply by the
3 defendant. We'll get that one resolved.

4 All right. Okay. Then what we can do is
5 bring in Mr. Avila. And then, Mr. Bloom, if you want to
6 take the stand -- I should say, again, the podium. Yeah,
7 I need to stop that.

8 MR. BLOOM: Based on my cross-examination
9 yesterday, maybe I should.

10 THE COURT: Now, now, Mr. Bloom. I
11 appreciate your preparing for the podium. And then what
12 we will do is get our interpreters in place as well, as
13 they are doing, and then we can call in the jurors.

14 Turns out we have a new interpreter that --
15 we're not talking about the ones for the witness, but
16 rather the ones interpreting for defendants that we need
17 to swear. So if our new interpreter, who we thank for
18 being here, would rise and raise his right hand.

19 (Interpreter Richard Singer sworn.)

20 THE COURT: All right. Thank you. We can
21 call in the jurors. Thank you.

22 (Whereupon, at 9:10 a.m. the jury returned
23 to open court.)

24 THE COURT: All right. Thank you, folks.
25 Please be seated. We appreciate your continued service

1 and looks like this morning you brought another morning
2 of sunshine with you.

3 We broke yesterday, as you'll recall, with
4 Mr. Bloom continuing his cross-examination of Mr. Avila.
5 And Mr. Bloom may continue.

6 MR. BLOOM: Thank you.

7 **FRANCISCO AVILA**

8 previously called as a witness, duly sworn April 11,
9 returned to the stand today and testified through
10 interpreters as follows:

11 **CONTINUED CROSS-EXAMINATION**

12 BY MR. BLOOM:

13 Q. Good morning. Mr. Avila, in one of your
14 interviews with the investigators, did you say that
15 Mr. Pineda left La Mansion in a white Infiniti?

16 A. I don't recall what car it was on that day.

17 Q. Okay. If I were to show you a document,
18 would that perhaps refresh your recollection?

19 A. Yes.

20 THE COURT: Are we refreshing as to whether
21 he said something in an interview or refreshing as to
22 what the car was on that day?

23 MR. BLOOM: What he said in an interview.

24 THE COURT: What he said. Okay. So,
25 Mr. Avila, do you recall whether you said to

1 investigators that there was a white Infiniti that
2 Mr. Pineda left in that day?

3 THE WITNESS: Today I don't recall what car
4 it was.

5 THE COURT: But do you recall whether you
6 said to investigators that it was a white Infiniti?

7 THE WITNESS: Yes.

8 BY MR. BLOOM:

9 Q. You recall that, okay. Do you -- at a
10 later interview, did you make that same statement, that
11 Mr. Pineda left in a white Infiniti?

12 A. I don't remember.

13 Q. You do not remember making that statement,
14 any statement such as that, to the investigators?

15 A. I remember we met many times, and today I
16 don't recall exactly everything that I've said, but I did
17 say many things.

18 Q. But you do remember in one interview you
19 stated it was a white Infiniti; correct?

20 A. Yes.

21 Q. After the chaos and fights at La Mansion,
22 did the TPLS people that you were with leave and go to
23 Wallace Road?

24 A. I remember that, yes. There were several
25 homeboys back there at the house.

1 Q. Would it be fair to say that the group
2 decided to continue their partying at Wallace Road?

3 A. When you're talking about partying, are you
4 referring to drinking?

5 Q. We're talking to drinking, listening to
6 music, just socializing in an elevated manner.

7 A. I remember that everyone was outside, and
8 the only one who was drinking was Frijol who was already
9 drunk.

10 Q. Okay. Whereabouts outside were you?

11 A. In the part that's in front of the house.

12 Q. Do you remember, was Happy, Franklin
13 Hernandez, there that evening, that morning?

14 A. I don't remember.

15 Q. Do you remember if Sergio Alvarez, Scrappy,
16 was present that morning?

17 A. I don't remember.

18 THE COURT: Meaning you don't remember?

19 THE WITNESS: No.

20 BY MR. BLOOM:

21 Q. I might have the names confused. Is Sergio
22 Ochoa-Alvarez, is that Scrappy?

23 A. I know Ochoa, but he's Cabezon.

24 Q. That's Carlos Ochoa; correct?

25 A. I don't know his name, the last name.

1 Q. Okay. Was Franklin Pineda, Gordo, present
2 that morning?

3 A. I don't recall anymore.

4 Q. Do you recall anybody who was there?

5 A. Cabezon was there. Frijol. Danielito was
6 there. Demente's mother was there. Joslyn. I was. And
7 I don't remember more.

8 Q. At what time did Mr. Pineda arrive?

9 A. I don't remember what time it was.

10 Q. How soon after you arrived at the
11 331 Wallace Road did Mr. Pineda arrive?

12 A. I also don't remember.

13 Q. Did you tell -- did you tell the agents
14 that the gun that was used to kill Ms. Rodriguez was your
15 gun?

16 A. Yes.

17 Q. At that time, did you tell the agents that
18 you could not remember how Mr. Pineda got the gun?

19 A. What I recall is that I gave it to him.

20 Q. Okay. Can you remember when you gave it to
21 him?

22 A. I gave it to him before we went to the
23 bars.

24 Q. Which bars?

25 A. Bars, like El Uno.

1 Q. When might this have been, approximately?

2 A. That night, early.

3 Q. I believe in your direct testimony you
4 stated that you -- that you had given the gun to
5 Mr. Pineda soon after the kidnapping of Danielito, which
6 was a few months before. Do you remember that testimony
7 the other day?

8 A. I remember I told him that I give it to him
9 after Danielito's kidnapping.

10 Q. So what your testimony is now is that you
11 gave it to him after Danielito's kidnapping and right
12 before you went to the bars that day?

13 A. Yes.

14 Q. From your knowledge, did Mr. Pineda usually
15 not carry a firearm?

16 A. He always carried one.

17 Q. But that day he did not have one; correct?

18 A. He had one, but it didn't work.

19 Q. So you gave him your gun; correct?

20 A. One of mine.

21 Q. So you still remained armed after you gave
22 him your gun?

23 A. I had two.

24 Q. And where were you when you gave
25 Mr. Pineda -- when you allegedly gave Mr. Pineda this

1 gun?

2 A. At that same Wallace house.

3 Q. I'm sorry?

4 A. At that same Wallace house.

5 Q. Okay. Approximately how long before July
6 was Danielito's kidnapping? What month?

7 A. I don't remember.

8 Q. Would it have been a month before? More
9 than a month? Less than a month?

10 A. Reality, I don't remember.

11 Q. Okay. But that kidnapping is how you're
12 measuring when you gave Mr. Pineda the gun. You said
13 after Danielito -- after the kidnapping you gave him the
14 gun?

15 A. I didn't understand that.

16 Q. I'll go on.

17 Everyone at 331 Wallace Road learned of the
18 death of Ms. Rodriguez when the news came on; correct?

19 A. At 3:30 in the morning. Is that what you
20 asked, if it was at 3:30?

21 Q. No, I asked -- basically I asked, when did
22 the group at 331 Wallace Road learn that Ms. Rodriguez
23 had been killed rather than a chavala?

24 A. When Demente arrived, maybe an hour or two
25 afterwards.

1 Q. An hour or two afterwards -- after what?

2 A. After Demente arrived at the house.

3 Q. A minute ago I think that you said you
4 couldn't remember when Demente arrived at the house after
5 you arrived.

6 A. I remembered that Demente arrived, and then
7 it came on the news that the girl had died.

8 Q. But now you're saying it was a few hours
9 after this incident occurred?

10 MR. HOFF: Objection, Your Honor.

11 THE COURT: Yes. What's the nature of the
12 objection?

13 MR. HOFF: That's misquoting what the
14 witness said.

15 THE COURT: Well, maybe, maybe not. But if
16 you look at it, he's asking whether that's what the
17 witness is saying. So if you're right, then the
18 witness -- may be an answer consistent with your view
19 that he was misquoting what the witness is saying, so I'm
20 going to overrule the objection.

21 The question, Mr. Avila, being: Now you're
22 saying it was a few hours after this incident occurred?

23 THE WITNESS: I don't know what time the
24 incident happened at. All I know is that Demente came to
25 the house, and he said he had killed a chavala. And a

1 while passed, maybe one or two hours, when the news came
2 on the phone.

3 BY MR. BLOOM:

4 Q. Okay. I believe that you testified the
5 other day that as soon as the news came on and the
6 mistake was discovered, that Ochoa, Cabreezy, immediately
7 ordered everyone not to talk.

8 A. True.

9 Q. Did you ever -- isn't it rather -- strike
10 that.

11 Isn't it true that Cabreezy actually called
12 a meeting, a misa, a few days later?

13 THE COURT: I'm sorry, is Cabreezy the
14 right name?

15 MR. BLOOM: I believe so. Carlos Ochoa. I
16 think that's Cabreezy.

17 THE COURT: Cabezon?

18 MR. BLOOM: Cabezon. Maybe it's -- I've
19 got my little face -- my --

20 THE COURT: And I could be -- is there a
21 Cabreezy, from the government's perspective?

22 MR. HOFF: No, it's not, Your Honor. I
23 think he means Cabezon.

24 MR. BLOOM: Cabezon, sorry.

25 THE COURT: Thank you.

1 BY MR. BLOOM:

2 Q. So isn't it true that Cabezon called a
3 meeting, a misa, a few days after July 31, and at that
4 time, he told the meeting, no one is to speak of this?

5 A. True.

6 Q. And, in fact, the morning of July 31, he
7 didn't say anything about -- about the murder of
8 Ms. Rodriguez; isn't that true?

9 A. On several occasions that death was spoken
10 about.

11 Q. On the morning of July 31, he did not
12 reprimand Mr. Pineda, allegedly, for murdering an
13 innocent victim?

14 A. I do not remember if he reprimanded him. I
15 just remember that we were all scared.

16 Q. At the misa that was called when this was
17 discussed, where was this misa held?

18 A. I do not remember.

19 Q. Do you remember who was present?

20 A. Not all of them.

21 Q. At these misas, I believe you testified
22 that all homeboys and some chequeos are required to
23 attend; is that true?

24 A. But the chequeos cannot hear what is
25 discussed in the misas.

1 Q. But the homeboys were required to be there
2 and hear what's discussed; correct?

3 A. True.

4 Q. I believe you -- was Mr. -- a few days
5 after July 31, is it correct that you testified that
6 Mr. Pineda appeared to be scared?

7 A. Yes.

8 Q. And did you also testify that another worry
9 was that Smiley had been arrested, and there was a fear
10 he could cooperate?

11 THE INTERPRETER: I'm sorry. The
12 interpreter requests a repetition of that last part.

13 BY MR. BLOOM:

14 Q. And Mr. Pineda was allegedly afraid that
15 Smiley would cooperate with the police?

16 A. Yes.

17 Q. Are you aware that Smiley was arrested
18 about three weeks after July 31?

19 A. I do not remember.

20 Q. Are you aware that Smiley, in his black
21 Infiniti, was stopped for a traffic violation just within
22 a week of July 31?

23 A. No.

24 Q. I believe you testified that you drove with
25 Mr. Pineda to Texas when he was returning to Honduras;

1 correct?

2 A. Yes.

3 Q. Who else went with Mr. Pineda driving to
4 Texas?

5 A. His mother, Happy, Cabezon, I was going, my
6 baby momma, and I can't remember who else was going.

7 Q. How many cars did you take?

8 A. Three were going.

9 Q. Did Mr. Pineda tell you that he was going
10 back to Honduras because his grandmother was ill?

11 A. No.

12 Q. Now, you said you and Mr. Pineda had been
13 friends since high school; correct?

14 A. Yes.

15 Q. Did he ever tell you that he was
16 essentially raised by his grandmother and grandfather in
17 Honduras?

18 A. I do not remember.

19 Q. Did you know that he had a family in
20 Honduras and that his father was in Honduras?

21 A. I knew that he had family in Honduras.

22 Q. And did you know when was the last time he
23 had been back to see his family?

24 A. I just remember that he was little when he
25 arrived here.

1 Q. Okay. And you testified that he waited
2 three to five months after July 31 to go back to
3 Honduras.

4 A. Yes.

5 Q. Would it be fair to say that he really was
6 not that scared or worried that he would wait three to
7 five months?

8 A. Not at first, but later on, yes.

9 Q. I'm sorry. Could you explain that? Not at
10 first, but later yes?

11 A. At the end, he found out that they were
12 knocking at the door of his previous last address with
13 his photograph asking about him.

14 Q. That didn't happen immediately -- are you
15 saying that that did not happen within weeks, a few weeks
16 of July 31?

17 A. No.

18 Q. It did not happen within a few weeks of
19 July 31, is that what you're saying?

20 A. No.

21 Q. Do you know when that happened?

22 A. I do not remember.

23 Q. Okay. Turning to the murder of Mr. Potter.
24 Now, it's true that you withheld information about the
25 murder of Mr. Potter for several months after your first

1 interview; is that correct?

2 A. I do not remember.

3 Q. Well, on the day that Mr. Potter was
4 murdered, I believe you were at 331 Wallace Road;
5 correct?

6 A. Yes.

7 Q. And according to your testimony, you said
8 Mr. Pineda arrived with Jojo?

9 A. Yes.

10 Q. And did you tell the agents that he arrived
11 in a big truck?

12 A. Today I do not remember the car.

13 Q. You do not remember whether it was a car or
14 a -- you have no idea whether it was a car or a truck?

15 A. I already forgot that.

16 Q. Well, after that, you did leave in that
17 vehicle with Mr. Pineda, Jojo, and a chavala; correct?

18 A. Correct.

19 Q. Was it a big truck or was it a car?

20 A. I do not remember anymore.

21 Q. How far did you drive between Wallace Road
22 and the field where Mr. Potter was murdered?

23 A. I do not know.

24 Q. Did you stop anywhere before you reached
25 the field?

1 A. Not that I remember.

2 Q. Do you think back in 2018-19 your memory
3 was perhaps better about these events?

4 A. Perhaps, yes.

5 Q. I believe you've met with agents -- would
6 it be fair to say that you've met with agents seven or
7 eight times in the last five years?

8 A. Yes.

9 Q. And you would talk about the murder of
10 Mr. Potter and of Ms. Liliana Rodriguez; correct?

11 A. Correct.

12 Q. And you knew that you'd be coming here to
13 testify at some point about these events; correct?

14 A. At first I had no thought of testifying.

15 Q. Well, when did you find out you were going
16 to testify?

17 A. I would say some one or two months prior to
18 me pleading guilty.

19 Q. And you pled guilty on what date?

20 A. I do not remember the date.

21 Q. Okay. Did you not think it was important
22 to really search your memory so that you could give
23 information when you testified?

24 A. I'm very bad with dates.

25 Q. Well, I'm not talking about dates. I'm

1 also talking about what car you drove in, whether you
2 stopped anywhere.

3 THE COURT: Do you want to follow up with a
4 question, put a question back on the floor?

5 MR. BLOOM: Okay.

6 BY MR. BLOOM:

7 Q. You said that you're not good with dates,
8 but are you also not good with events that happened?

9 A. There are details that are forgotten.

10 Q. Would you agree with me that the details of
11 these two murders we've spoken about are very spotty in
12 your memory?

13 A. What does spotty mean?

14 Q. You remember some things very well, but
15 most things not at all.

16 A. Regarding those situations, I wrote nothing
17 on paper, and I cannot control what I remember and don't
18 remember.

19 Q. Okay. I believe you testified that you sat
20 in the back seat of the truck with the chavala; correct?

21 A. Correct.

22 Q. And I believe you said the chavala had long
23 hair and was chubby?

24 A. Yes.

25 Q. And according to you, Mr. Pineda had a 9mm

1 gun; correct?

2 A. I no longer remember what was the caliber
3 of the weapon.

4 Q. Do you remember that Jojo had a .45?

5 THE INTERPRETER: Interpreter requests a
6 repetition of the question. Do you remember...

7 BY MR. BLOOM:

8 Q. Do you remember if Jojo had a .45?

9 A. I also do not remember.

10 Q. What type of gun did you have?

11 A. I had a revolver.

12 Q. And do you know what type or caliber you
13 had?

14 A. I did not check it. I do not remember.

15 Q. Okay. I understand there are many things
16 that you do not remember. That said, would it be fair
17 for me to rely on what you said in interviews as being
18 the truth?

19 MR. HOFF: Objection.

20 THE COURT: Let's approach.

21 (Whereupon, the following proceedings were
22 had at the bench outside the hearing of the jury:)

23 MR. BLOOM: I'm not going to bring up the
24 interviews. That's not the beginning of bringing up the
25 ROIs. That is not the beginning of bringing up any ROIs.

1 MR. HOFF: I'm sorry?

2 MR. BLOOM: I'm not bringing up -- that's
3 not the beginning of bringing up any ROIs. I'm not doing
4 that.

5 MR. HOFF: Is it safe for me to rely on
6 that what you said in those interviews is the truth?

7 MR. BLOOM: What's wrong with that?

8 THE COURT: Well, Mr. Bloom obviously can
9 explore, I think, in considerable depth what is reliable
10 from this witness and what is not. Your theory for
11 what's wrong with the question as stated is what?

12 MR. HOFF: Whether -- whether he can rely
13 on -- it assumes that he can tell him what he can rely
14 on. And Mr. Bloom's belief --

15 MR. BLOOM: That's not true at all,
16 Your Honor.

17 THE COURT: The witness -- you know, it's
18 like any leading question, right. The witness can go
19 with it. A leading question always seems to make it more
20 likely the witness will go with it than a nonleading
21 question. Or if it's not right, though, the witnesses
22 generally say, you know what, that's not right.

23 MR. HOFF: Okay.

24 THE COURT: You know what I mean? And so I
25 do think -- and here's the other thing. Of course, you

1 have an opportunity -- you'll have an opportunity on
2 redirect to put any answers in context as you see fit.
3 So what I'm -- I guess what I'm saying is, sort of the
4 line of questioning as to what is reliable, what he said
5 in court versus what was in the interviews, if there's a
6 difference I think is a fair question.

7 Having said that, I do realize the form of
8 particular questions, if Mr. Bloom goes down this path,
9 that there could be issues with the form of the question.
10 And if so, we can take them up. And the question as
11 posed, though, I'm going to overrule the objection. I
12 will have the court reporter read it back and then have
13 Mr. Avila answer.

14 MR. BLOOM: Thank you.

15 (End of bench conference. Whereupon, the
16 following proceedings were had in the hearing and
17 presence of the jury:)

18 THE COURT: All right. If we could impose
19 upon our court reporter to read back that last question,
20 and then Mr. Avila can answer it.

21 (Whereupon, the requested portion of the
22 record was read back by the court reporter.)

23 THE WITNESS: Yes.

24 BY MR. BLOOM:

25 Q. After Mr. Potter was shot, I believe you

1 testified yesterday that you were dropped off at
2 331 Wallace Road; is that correct?

3 A. Yes.

4 Q. And what -- can you remember what time you
5 were -- about what time you were dropped off at Wallace
6 Road?

7 A. No.

8 Q. Was it dark? Was it getting light?

9 A. It was dark.

10 Q. Okay. Did you -- excuse me.

11 After you left the field where Mr. Potter
12 was shot, did you see the three -- did you see the three
13 firearms?

14 A. No.

15 Q. At any time after Mr. Potter was shot until
16 the time you got to Wallace Road, did you see anything
17 distinctive about any of the firearms?

18 A. Not that I can recall.

19 Q. Okay. Now, I believe you testified that
20 you got two additional MS-13 tattoos since you've been in
21 jail; is that correct?

22 A. Correct.

23 Q. Did you kill two more people since you've
24 been in jail to earn these letters?

25 A. Once you earn the letters, you can put them

1 on a hundred times if you want.

2 Q. Why would you put on an MS-13 tattoo if
3 you'd left the gang?

4 A. I didn't leave the gang until I pled
5 guilty.

6 Q. Which was two years ago?

7 A. Correct.

8 Q. Okay. So you put on those two tattoos
9 prior to pleading guilty; that's your testimony?

10 A. True.

11 Q. Excuse me, I want to get these names
12 straight. Does Carlos Ochoa, Cabeza (sic), and Sergio
13 Ochoa, Scrappy, do they have MS-13 tattoos?

14 A. Yes.

15 Q. Well, you testified earlier that you did
16 not know if they'd murdered anyone. Are not those
17 tattoos evidence that they had murdered someone?

18 A. If they have them, it's because they
19 killed, but I never asked them whether they had or not.

20 Q. I don't think that was the precise
21 question. The question, I believe, was asked of you had
22 they murdered anyone, and you said you didn't know; is
23 that correct?

24 A. I don't know.

25 Q. Well, if that question had been asked of

1 you and you knew that they had MS-13 tattoos, wouldn't it
2 have been truthful to say, yes, they have murdered
3 chavalas?

4 A. When I was outside, I heard that Cabezon
5 got a punishment because he put on the MS letters without
6 permission.

7 Q. I don't think that answered my question.

8 A. In response to your question, I know that
9 he was punished and that he had put the letters on.

10 Q. Do you -- do you recall having the
11 opportunity to speak with Franklin Hernandez, Happy,
12 since you've been at the Davidson County jail?

13 A. Yes.

14 Q. All right. And you discussed that you were
15 both cooperators in this case; correct?

16 A. Yes.

17 Q. And you shared information about the case?

18 A. Are you talking about Grayson County or
19 Davidson County?

20 Q. Either. Right now I'm talking about, did
21 you also speak to Mr. Hernandez at Daviess (sic) County?

22 THE COURT: Wait. Point of clarification,
23 right. There are three potential counties we're talking
24 about. There's Grayson, Davidson and a Daviess; is that
25 right?

1 MR. BLOOM: Correct.

2 THE COURT: Right. So let's just be clear.
3 And I know there can be confusion. You know, all of them
4 have the long A at the beginning of the word. And
5 Daviess and Davidson are very -- obviously very similar
6 in many ways. So let's make sure that the -- and this
7 isn't -- I'm not saying he did anything wrong, but let's
8 make very sure that the interpretation is clear as to
9 whether you're saying Davidson or Daviess.

10 MR. BLOOM: Okay.

11 THE COURT: You may ask another question.

12 BY MR. BLOOM:

13 Q. My question was: Had you had the
14 opportunity to speak with Happy at the Davidson County
15 jail, and I believe you said yes. And I believe I asked
16 whether the two of you discussed that you were both
17 cooperators, and I believe you said yes.

18 A. When I spoke with Happy at Davidson, it was
19 in 2018, and I still then had not begun cooperating.

20 Q. You'd begun cooperating, I think, in May of
21 2018; does that sound correct?

22 A. Yes.

23 Q. Okay. When you -- you mentioned -- you
24 asked me whether it was -- I was talking about Davidson
25 County or Daviess County. Did you also speak with Happy

1 in Daviess County?

2 A. No.

3 Q. Okay. Have you been incarcerated in any
4 other jails other than Daviess County and Davidson County
5 here in Tennessee?

6 A. I saw Happy at Grayson about a month, month
7 and a half ago.

8 Q. So you saw him at Grayson. How -- how did
9 you see him?

10 A. I went to the recreation room.

11 Q. Okay. And Happy was there?

12 A. No. He was in his cell that was nearby.

13 Q. Okay. Did you send any kites, any
14 messages, to Happy there when you were at Grayson County?

15 A. No.

16 Q. Were there any other persons involved in
17 this case that you have had the opportunity to speak with
18 while you've been incarcerated?

19 A. This morning I saw the Chamaco who was
20 coming with me.

21 Q. Okay. And you have not seen Chamaco since
22 you've been incarcerated?

23 A. No.

24 Q. Have you received or sent any messages to
25 Chamaco?

1 A. No.

2 Q. Okay. Would you say you have a reputation
3 for truthfulness?

4 A. You could say I do.

5 Q. And would you agree that you have a very
6 long history of criminal acts?

7 A. Yes.

8 Q. And the government went through a whole
9 litany of those, and I'm not going to do that again. A
10 few things, I believe, might have been left out. Did you
11 conspire to kill an 18th Street gang member who was, in
12 fact, killed as he exited a taxi here in Nashville?

13 A. An accident?

14 Q. A taxi. When the 18th Street gang member
15 was exiting a taxi, a taxicab.

16 A. Yes.

17 Q. Did you tell the government about that?

18 A. Yes.

19 Q. Okay. Did you murder a Brown Pride gang
20 member near the Nashville Zoo in 2017?

21 A. What I know is that he didn't die.

22 Q. Is this something that you -- did you tell
23 the government about this?

24 A. Yes.

25 Q. At the Nashville Zoo?

1 A. Near the Nashville Zoo.

2 Q. Okay. Did you murder two Hispanics at a
3 traffic light after an altercation with them at
4 La Mansion?

5 A. Not that I remember.

6 Q. Okay. Well, let me ask you this: If you
7 were speaking with a person that you didn't know and had
8 a criminal history like yours, would you believe what
9 they said?

10 A. I don't understand.

11 Q. If someone like -- if someone that you did
12 not know, a stranger, had a criminal history just like
13 yours, would you trust what that person said to be the
14 truth?

15 A. If he's a stranger, I wouldn't.

16 MR. BLOOM: No further questions. Thank
17 you very much.

18 THE COURT: All right. Mr. Hoff, redirect
19 examination.

20 **REDIRECT EXAMINATION**

21 BY MR. HOFF:

22 Q. Mr. Avila, are you a native Spanish
23 speaker?

24 A. Yes.

25 Q. And you can read and understand some

1 English; is that right?

2 A. Yes.

3 Q. Has that gotten better over your time while
4 you've been incarcerated?

5 A. Yes.

6 Q. Do you feel more comfortable speaking and
7 conversing in Spanish?

8 A. Yes.

9 Q. So, originally, who made the call to law
10 enforcement to provide information?

11 A. Me.

12 Q. And when you first made that first phone
13 call, the first time you met with law enforcement, had
14 you fully decided that you were going to cooperate?

15 A. No.

16 Q. And during that first meeting and that
17 first phone call, had you -- did you tell them everything
18 you knew?

19 A. No.

20 Q. And did you leave out some things that
21 would get you in trouble in that first meeting?

22 A. Yes.

23 Q. And that included murders that you
24 participated in?

25 A. Yes.

1 Q. And after that first meeting, did you then
2 reach out on your own to law enforcement again and ask to
3 speak with them?

4 A. Yes.

5 Q. And you met with -- you met with law
6 enforcement several times; is that right?

7 A. Yes.

8 Q. And you admitted to murders that you
9 participated in?

10 A. Yes.

11 Q. Admitted to carjackings; is that right?

12 A. Yes.

13 Q. Did you admit to shooting people?

14 A. Yes.

15 Q. During -- and you told law enforcement
16 agents about those things that you did; is that right?

17 A. Yes.

18 Q. During any of those meetings, did you ever
19 tell law enforcement that anyone other than you, Demente,
20 and Jojo were involved in the murder of Mr. Potter in
21 April of 2016?

22 THE INTERPRETER: I'm sorry, the
23 interpreter requests a repetition of the question and
24 break it down.

25

1 BY MR. HOFF:

2 Q. During those meetings did you ever say
3 anyone else other than you, Jojo, and Demente were
4 involved in the murder in the field?

5 A. No.

6 Q. Did you ever tell law enforcement during
7 any of those meetings that anyone else, other than
8 Demente, told you he killed a chavala on the highway?

9 A. No.

10 Q. And you testified about killing two men
11 outside of La Mansion; is that right?

12 A. Yes.

13 Q. You pled guilty to those?

14 A. Yes.

15 Q. You were shown several documents over the
16 last couple days. Do you remember that?

17 A. Yes.

18 Q. Did you write any of those?

19 THE INTERPRETER: Read or wrote?

20 BY MR. HOFF:

21 Q. Did you write any of those?

22 A. No.

23 Q. Were they written by other people?

24 A. Yes.

25 Q. And I believe the term proffer was used.

1 Do you remember hearing that term?

2 A. Yes.

3 Q. And is that a meeting with members of the
4 government or law enforcement?

5 A. Yes.

6 Q. And those are -- are those -- those aren't
7 court proceedings; is that right?

8 A. I do not know.

9 Q. Were you in -- where were those meetings
10 held?

11 A. At the courthouse.

12 Q. Were they in court or were they in the
13 office, the government office?

14 A. At the office.

15 Q. And you were asked about when you wrote a
16 letter to the government. Do you remember that?

17 A. Yes.

18 Q. And in that letter, did you admit to more
19 crimes that you committed?

20 A. Yes.

21 Q. Who wrote that letter?

22 A. I did.

23 Q. Did anyone tell you to write that letter?

24 A. They were simply things that in the past I
25 had forgotten, and while being in the jail cell I

1 remembered them and I decided to put them down on paper.

2 Q. And why did you decide to do that?

3 A. So that I would not forget them.

4 Q. And did you want to tell anyone about
5 those?

6 A. To the government.

7 Q. So you did that on your own?

8 A. Yes.

9 Q. And I want to talk to you about some of the
10 crimes you were asked about from the defense attorneys.
11 You were asked some questions about -- you were asked
12 about an incident where you held someone down -- held a
13 woman down while she was choked. Do you remember that?

14 A. Yes.

15 Q. Did anyone tell you to hold that woman
16 down?

17 A. Cabezon did.

18 Q. Why?

19 A. Because they had her there tousling with
20 her.

21 Q. I'm sorry. What does that mean? How did
22 this incident begin?

23 A. I was in a room with my baby momma when I
24 heard that they were arguing outside in the living room.

25 Q. Who was arguing?

1 A. Cabezon and the wera.

2 Q. Was he arguing with this woman?

3 A. Yes.

4 Q. And what happened then?

5 A. Some time transpired and Cabezon yelled at
6 me to come to the room.

7 Q. Did you go to the room?

8 A. Yes.

9 Q. And what happened when you went to the
10 room?

11 A. Frijol was choking the woman, and Cabezon
12 was holding her down on the ground.

13 Q. And what did Cabezon tell you to do?

14 A. He told me to grab her legs.

15 Q. And what happened to that woman?

16 A. After all of that, Cabezon told her to take
17 a shower, and that they were going to let her go.

18 Q. And why did -- why was Cabezon angry with
19 her?

20 A. I do not remember why.

21 Q. Now, you were also asked about the
22 kidnapping of someone named Shakira. Do you remember
23 that?

24 A. Yes.

25 Q. And do you remember your response was you

1 had nothing to do with that?

2 A. Yes.

3 Q. I believe Mr. Ganguli said he was going to
4 come back to that, but we never did. So I want to ask
5 you, what happened to Shakira?

6 A. Before that or afterwards?

7 Q. Well, what was the incident that you told
8 the government about involving Shakira?

9 A. We wanted to get ahold of Shakira's
10 boyfriend.

11 Q. Why?

12 A. Because he -- he and another 18th were
13 coming to the house to throw --

14 THE INTERPRETER: The interpreter asked
15 dirt or gunshots --

16 THE WITNESS: Gunshots.

17 BY MR. HOFF:

18 Q. And you said you weren't involved with what
19 happened to Shakira. So what happened with her?

20 A. One day Cabezon told me that they had
21 picked up chiquita and that they were going to keep her
22 held until her boyfriend came or until they got ahold of
23 him.

24 Q. And did Cabezon ask you to go to where she
25 was held?

1 A. Yes. He told me if I wanted to go watch
2 over her because they had to keep watching over her 24/7.

3 Q. Did you go?

4 A. No.

5 Q. Why not?

6 A. Because when Cabezon asked me, my baby
7 momma was there, and she told me that I could not go.

8 Q. Now, you were -- the night that the person
9 was murdered outside Bolo Ocho, did you go there that
10 night?

11 A. Yes.

12 Q. And did you see the person in the car?

13 A. Yes.

14 Q. And you recognized -- did you recognize
15 that person?

16 A. Not at first.

17 Q. Okay. Did you later recognize that person?

18 A. Yes.

19 Q. And so you knew what happened to that
20 victim that night?

21 A. A couple of days later, yes.

22 Q. Well, did you see that he had -- that he
23 was dead?

24 A. Yes.

25 Q. So you saw that for yourself?

1 A. Yes.

2 Q. Before you were arrested and Peluche was
3 the Second Word, how many homeboys were in your clique?

4 A. There were at least five.

5 Q. So about five?

6 A. Yes.

7 Q. And to be the Second Word of your clique,
8 did you need to be a homeboy?

9 A. Yes.

10 Q. You were also asked some questions about
11 Daniel Caceres. Do you remember that?

12 A. Yes.

13 Q. Who is that?

14 A. He is Demente's uncle.

15 Q. So when you broke the rules of TPLS, what
16 happened to you?

17 A. They gave me a beating.

18 Q. When the gang believed Chamaco was
19 cooperating with the police, what happened to him for
20 breaking that rule?

21 A. We tried to kill him.

22 Q. And were Cuervo and Cabezon in the gang
23 before you?

24 A. Yes.

25 Q. Were they already homeboys?

1 A. Yes.

2 Q. I believe you testified that you tried to
3 call -- you and Demente and Jojo tried to call Cabezon
4 before you killed the man in the field; is that right?

5 A. True.

6 Q. And -- I'm sorry. You also tried to call
7 Cabezon before you killed the two men outside of
8 La Mansion?

9 MR. BLOOM: Your Honor, excuse me, I
10 object. There seems to be a lot of leading going on.

11 THE INTERPRETER: I'm sorry. The
12 interpreter could not hear.

13 THE COURT: I would sustain that objection.

14 MR. HOFF: I'll rephrase, Your Honor.

15 THE COURT: Okay. Thank you.

16 BY MR. HOFF:

17 Q. Did you try and call Cabezon before you
18 killed the two men outside of La Mansion?

19 THE INTERPRETER: I'm sorry. The
20 interpreter needs to know whether the you is a singular
21 or a plural.

22 BY MR. HOFF:

23 Q. You personally. Did you personally try and
24 call Cabezon before you killed the two men outside of
25 La Mansion?

1 A. Yes.

2 Q. In either of those situations, were you
3 able to get in touch with Cabezon?

4 A. No.

5 Q. And in each of those situations, did you
6 kill those victims anyway?

7 A. Yes.

8 Q. Why?

9 A. In the first one because Jojo said that he
10 had received permission. And on the second one, Cabezon
11 said that whenever we ran into a chavala, just to kill
12 him and not to be calling about it.

13 Q. Mr. Avila, do you know what your sentence
14 is going to be?

15 A. No.

16 Q. Did anyone promise you what your sentence
17 will be?

18 A. No.

19 Q. Who decides that?

20 A. The judge.

21 Q. Did anyone tell you what to say?

22 A. Where?

23 Q. Anytime. At any time did anyone tell you
24 what to say when you met with the government or in court?

25 A. That I needed to be sincere and always tell

1 the truth.

2 MR. HOFF: I have nothing further,
3 Your Honor.

4 THE COURT: All right. Sounds like before
5 we do recross, which I will permit, it would be a good
6 time to take a midmorning break, so we'll take about 15
7 minutes.

8 Jurors may step down, and I'll give them my
9 daily admonition to please remember, no talking about the
10 case, no researching the case, no investigation of it.

11 Thank you.

12 (Whereupon, at 10:28 a.m. the jury retired
13 from open court.)

14 THE COURT: All right. Thank you. Please
15 be seated.

16 One of the things about the recross is it
17 does need to be within the scope of redirect, fairly
18 within the scope of redirect. So I'm going to ask
19 Mr. Ganguli, do you have any recross?

20 MR. GANGULI: Yes, sir.

21 THE COURT: Okay, very well. What we'll
22 do, then, since we have at least one, which doesn't
23 surprise me, we'll just see what other counsel want to
24 do. Each counsel will be permitted an opportunity to ask
25 questions on recross within the scope of redirect.

1 From the government, anything before we
2 break?

3 MR. SAFEEULLAH: No, Your Honor.

4 THE COURT: No? From the defendants,
5 anything? No. All right.

6 Thank you. We'll take about 15, and then
7 we'll go from there. Thank you.

8 (Whereupon, a break was taken from
9 10:29 a.m. to 10:54 a.m.)

10 THE COURT: Thank you. Please be seated.

11 All right. Mr. Ganguli, if you want to
12 take the podium.

13 MR. GANGULI: Thank you, Your Honor.

14 THE COURT: Looks like we can call the
15 jurors in. Thank you.

16 (Whereupon, at 10:54 a.m. the jury returned
17 to open court.)

18 THE COURT: All right. Thanks, folks.
19 Please be seated.

20 All right. Mr. Ganguli, you may proceed
21 with recross-examination.

22 MR. GANGULI: Thank you, Your Honor.

23 **RECROSS-EXAMINATION**

24 BY MR. GANGULI:

25 Q. Mr. Avila, I'm going to ask you some

1 questions. And just like the same courtesy as yesterday,
2 if there's something that I ask that I'm unclear about,
3 tell me, please. I'll back up, and I'll try to do
4 better. Okay?

5 A. Yes.

6 Q. The government just asked you on redirect
7 examination as to when you decided to cooperate with law
8 enforcement. So are you telling us that on May 4, 2018,
9 when you met with law enforcement you were not
10 cooperating with them?

11 A. A little, yes.

12 Q. All right. On August 7, 2018, when you met
13 with the government with your lawyer and gave them
14 information, are you telling us that you weren't
15 cooperating with law enforcement?

16 A. Yes, I did give it to them.

17 Q. Were you cooperating with them?

18 A. Yes.

19 Q. On October 7, 2020, when you met with law
20 enforcement and gave them information with your lawyers,
21 were you cooperating with law enforcement?

22 A. Yes.

23 Q. Would you agree with me that May 4, 2018,
24 August 7, 2018, and October 7, 2020, are all before
25 March 4 -- March 24, 2021?

1 A. Yes.

2 Q. So you had been cooperating with law
3 enforcement years before you pled guilty on March 24,
4 2021; right?

5 A. Yes.

6 Q. The government asked you some questions
7 about the kidnapping of a woman named Shakira. So just
8 so I am clear, Cabezon asked you to participate in that
9 kidnapping; right?

10 A. No.

11 Q. Someone asked you to participate in her
12 kidnapping and watch over her; right?

13 A. He asked me to watch over her, but she had
14 already been kidnapped.

15 Q. Okay. Who asked you to watch over her?

16 A. Cabezon did.

17 Q. All right. So Cabezon asked you to watch
18 over Shakira after she had been kidnapped; right?

19 A. He told me that if I wanted to go and watch
20 over her.

21 Q. But your girlfriend said that you couldn't;
22 right?

23 A. She said I couldn't.

24 Q. So let me get this straight. Cabezon asked
25 you to watch over Shakira if you wanted to, but your

1 girlfriend said you couldn't, so you didn't?

2 A. My girlfriend told me I couldn't because
3 Cabazon had said that everyone was having sexual
4 relations with her. And that I couldn't -- and my
5 girlfriend told me there was no way that I could be
6 there.

7 Q. So, again, if you'll answer my question,
8 please. Cabazon asked you to watch over Shakira if you
9 wanted, but your girlfriend said for you not to, so you
10 didn't?

11 A. True.

12 Q. The government asked you some questions
13 about breaking the rules and so forth -- about breaking
14 the rules regarding MS-13. You began cooperating with
15 law enforcement in 2018; right?

16 A. Yes.

17 Q. That violated one of the cardinal rules of
18 the MS-13; right?

19 A. Yes.

20 Q. So when did you get the MS-13 letters?

21 A. 2019.

22 Q. Okay. So you began cooperating with law
23 enforcement in 2018; right?

24 A. Yes.

25 Q. And that violated one of the cardinal rules

1 of the MS-13; right?

2 A. True.

3 Q. But then you got MS-13 letters tattooed on
4 you in 2019?

5 A. True.

6 Q. All right. Finally, these questions are
7 regarding your conditions of cooperation. As part of
8 your cooperation with law enforcement, you're supposed to
9 tell the truth; right?

10 A. True.

11 Q. There's also another condition of
12 cooperation; right?

13 A. Yes.

14 Q. That's you can't commit additional crimes?

15 A. Yes.

16 Q. Well, you possessed a cell phone while in
17 custody; right?

18 A. I used it, yes.

19 Q. So you've, again, possessed a cell phone
20 while in custody; right?

21 A. True.

22 Q. So you've been committing additional crimes
23 while in custody; right?

24 A. I don't know if that's a crime.

25 Q. Well, are you allowed to possess cell

1 phones while in custody?

2 A. No.

3 MR. GANGULI: Thank you. No further
4 questions, Your Honor.

5 THE COURT: All right. Thank you.

6 **RECROSS-EXAMINATION**

7 BY MR. LUCAS:

8 Q. I just have a couple questions for you,
9 Mr. Avila. On redirect you were asked about whether you
10 were a homeboy when you became the First Word.

11 A. The Second Word.

12 Q. The Second Word, yes.

13 A. Yes.

14 Q. And when I questioned you earlier, you
15 testified you didn't recall telling the government that
16 you weren't a homeboy at the time of your arrest;
17 correct?

18 A. I don't understand the question. Could you
19 repeat it again?

20 Q. You said earlier you didn't recall telling
21 the government that you were not a homeboy at the time of
22 your arrest.

23 A. When I met with the government, I told them
24 that I was a homeboy. I did not tell them that I was a
25 Second Word.

1 Q. At what point did you tell the
2 government -- you've met with the government several
3 times; correct?

4 A. Yes.

5 Q. And you were untruthful with the government
6 when you initially met with the government; is that
7 correct?

8 A. I didn't tell them everything when I met
9 with them at the beginning.

10 Q. So it's possible that you didn't tell them
11 that you were a homeboy when you first met with the
12 government?

13 A. At the beginning I don't remember.

14 Q. If I show you a document, will that help
15 you with your memory?

16 A. Yes.

17 MR. LUCAS: Your Honor, may I approach the
18 witness?

19 THE COURT: You may.

20 THE WITNESS: (Witness reading document.)

21 BY MR. LUCAS:

22 Q. Have you had an opportunity to review the
23 document? The document that you -- that I gave you is a
24 copy of an FBI report of investigation?

25 MR. HOFF: Objection.

1 THE COURT: What, the reference to
2 refreshing document?

3 MR. HOFF: Yeah.

4 THE COURT: All right. Ladies and
5 gentlemen, let me instruct you. The way the law works,
6 it's irrelevant for your purpose what he's even
7 reviewing, so don't even give any thought to what he's
8 reviewing. The issue is whether, by reviewing
9 something -- and it could be a wide variety of things --
10 a document is able to refresh his memory about something
11 he's said he doesn't recall. And it doesn't matter what
12 it is, and you should not give any thought to what the
13 document is.

14 BY MR. LUCAS:

15 Q. Have you reviewed the document?

16 A. Yes.

17 Q. And does it refresh your recollection?

18 A. I don't remember having said that.

19 Q. Now, on redirect and just a few minutes ago
20 under recross from Mr. Ganguli, you talked about your
21 baby's momma telling you that you couldn't go to watch
22 Shakira; is that correct?

23 A. True.

24 Q. And in the rules, if someone that's a
25 member of MS-13 needs your help, could your baby's momma

1 just tell you you can't go? Is it in the rules that
2 she's allowed to overrule the other members of MS-13?

3 A. At that moment, Cabezon gave me the option
4 of whether or not I wanted to go.

5 Q. Mr. Avila, isn't it true that in one of
6 your interviews that you stated -- in one of your
7 interviews with law enforcement that you stated that
8 Cabezon, Ochoa, did not get respect because Joslyn
9 Caceres would never let Ochoa out of the house?

10 A. True.

11 MR. LUCAS: Those are all the questions I
12 have.

13 THE COURT: Thank you.

14 All right. Mr. Mothershead?

15 MR. MOTHERSHEAD: No recross.

16 THE COURT: Thank you. Mr. Bloom.

17 **RECROSS-EXAMINATION**

18 BY MR. BLOOM:

19 Q. I just have a few questions. As was
20 mentioned previously, there are certain conditions for
21 your cooperation in order to get any benefit; correct?

22 A. Yes.

23 Q. And you mentioned one of them, of course,
24 is to be truthful; correct?

25 A. Yes.

1 Q. And the government mentioned all the
2 various litany of crimes that you disclosed to them?

3 A. True.

4 Q. And that was in addition to the crimes that
5 you pled guilty to. Now, you didn't -- you withheld any
6 information about those crimes, 15 crimes, until just
7 three months before this trial; isn't that true?

8 A. I do not remember those crimes.

9 Q. Do you remember writing a letter just this
10 past December where you listed 15 additional acts that
11 you had not told the government about, including the
12 kidnapping that was just discussed, for example?

13 A. Yes. Yes.

14 Q. So just like your withholding the
15 information about Mr. Potter, you withheld information
16 about these 15 other crimes until the last moment; is
17 that a fair statement?

18 THE INTERPRETER: Until the last?

19 MR. BLOOM: Moment.

20 THE WITNESS: When I remembered that
21 information, I let him know about it.

22 BY MR. BLOOM:

23 Q. So you did not remember these 15 other acts
24 that you'd committed until December of this past year?

25 A. Always when I met with the government, we

1 would talk about a lot of criminal acts, and some of them
2 would be forgotten.

3 Q. Well, I think you said way back in 2018 you
4 were told that you had to tell them everything that you
5 were involved in; isn't that correct?

6 A. True.

7 Q. So you had five years to think of
8 everything that you've done, and it was not until
9 December that you finally disclosed this information?

10 A. True.

11 Q. So you knew that if you did not disclose
12 this information and on cross-examination I said to you,
13 you did these 15 acts, that would have been bad?

14 MR. HOFF: Objection, Your Honor. Can we
15 approach?

16 THE COURT: You may.

17 (Whereupon, the following proceedings were
18 had at the bench outside the hearing of the jury:)

19 MR. HOFF: I probably should have done this
20 earlier, but I didn't. But just saying 15 acts, are you
21 going to ask which acts?

22 MR. BLOOM: No.

23 MR. HOFF: You're just generally saying 15.
24 Not even 15 in that letter.

25 MR. BLOOM: You want to look at it?

1 MR. HOFF: I just looked at it. I counted
2 them.

3 MR. BLOOM: There are 15. There's 15
4 paragraphs.

5 MR. HOFF: Okay, there's 15 paragraphs.
6 You said 15 acts.

7 MR. BLOOM: How many were there? I can
8 correct.

9 THE COURT: All right, listen. Let's not
10 talk at each other. Let's talk to me.

11 I'm going to allow -- here's what I'm going
12 to do. I'm going to strike that last question, and you
13 can ask another one. I'll give you a chance to do
14 re-redirect if you want, but only if you think it's --
15 and --

16 MR. BLOOM: It's another crime --

17 THE COURT: Hold on. And within the scope
18 of recross, and we'll go from there. He -- you know, he
19 is allowed to ask questions based on his perception of
20 what the information is that he's asking about. He's
21 allowed to do that, and it's up to the witness to respond
22 accordingly. If it wasn't 15 acts or if he doesn't agree
23 with that, he can say so.

24 Of course, I don't know whether assumptions
25 made by counsel in a question are true or not. That's

1 part of the reason why we get it from the witness, and
2 the witness can push back. That's also why we allow
3 things like the other side to go one more time to clarify
4 something if it's wrong. Of course --

5 MR. BLOOM: And I was wrong.

6 THE COURT: Okay. Yeah. And any
7 question -- you know, obviously you need to ask a
8 question in good faith and based on reasonable
9 preparation, but obviously I can't police on the front
10 end whether it's a wrong question, so to speak. So we're
11 going to strike this question, and you can ask another
12 one and we'll go from there. Like I say, I'm going to
13 allow a re-redirect. All right.

14 MR. BLOOM: Thank you.

15 (End of bench conference. Whereupon, the
16 following proceedings were had in the hearing and
17 presence of the jury:)

18 THE COURT: All right, ladies and
19 gentlemen, we had a question on the floor that had not
20 been answered. I'll ask you to disregard that question
21 so that, now that we're back, Mr. Bloom can ask another
22 one.

23 BY MR. BLOOM:

24 Q. Did you realize that if you did not
25 disclose these eight additional acts to the government

1 and it came out on cross-examination that you had done
2 these additional acts, it may have destroyed your
3 possibility of getting a reduced sentence?

4 A. Were there eight or 15?

5 Q. There were eight. I was incorrect.

6 THE COURT: Wait. One moment. Let me try
7 and clarify this. Do you recall Mr. Bloom had asked you
8 about a letter in which he said you had referred to 15
9 criminal acts? Do you recall his questions?

10 THE WITNESS: Yes.

11 THE COURT: And now Mr. Bloom has just
12 represented that there were eight in the letter. Did you
13 hear that?

14 THE WITNESS: Yes.

15 THE COURT: Okay. Do you know how many
16 criminal acts you disclosed in this letter?

17 THE WITNESS: I do not remember.

18 THE COURT: Okay. There were some that you
19 disclosed; is that right?

20 THE WITNESS: Yes.

21 THE COURT: Were there more than five, say?

22 THE WITNESS: Yes.

23 THE COURT: All right. Mr. Bloom, you may
24 continue.

1 BY MR. BLOOM:

2 Q. That said, would you agree that you would
3 do virtually anything to get a reduced sentence?

4 A. No.

5 Q. When you were -- when you began your
6 cooperation, did you -- did you withhold from the
7 government that you were a homeboy?

8 A. I do not remember.

9 Q. Do you remember if you ever characterized
10 yourself as almost a homeboy at the time of your arrest?

11 THE INTERPRETER: I'm sorry. Interpreter
12 requests a repetition of the question and apologizes for
13 starting to interpret before the ending of the question.

14 BY MR. BLOOM:

15 Q. Did you characterize yourself as almost a
16 homeboy at the time of your arrest in order to minimize
17 your culpability with the gang?

18 A. Could be.

19 Q. Okay. And just lastly, I believe -- I
20 believe in your testimony you stated that, in all your
21 conversations with the government, you always felt that
22 you were understood in speaking Spanish. You always felt
23 that you were understood language-wise.

24 A. Yes.

25 MR. BLOOM: That's all I have. Thank you

1 very much.

2 THE COURT: All right. And, finally, any
3 re-redirect within the scope of recross?

4 MR. HOFF: No, Your Honor.

5 THE COURT: All right. Thank you. All
6 right. Mr. Avila may step down.

7 *****WITNESS EXCUSED*****

8 THE COURT: All right. The government
9 wishes to call its next witness.

10 MS. FARZAD: Thank you, Your Honor. The
11 government calls Warren Fleak to the stand.

12 THE COURT: All right.

13 **WARREN FLEAK**

14 called as a witness, after having been first duly sworn,
15 testified as follows:

16 **DIRECT EXAMINATION**

17 BY MS. FARZAD:

18 Q. Good morning, sir. Could you please state
19 and spell your name for the record.

20 A. Yes, ma'am. It's Warren Fleak.
21 W-a-r-r-e-n, F-l-e-a-k.

22 Q. Where do you work?

23 A. I'm employed with the Metro-Nashville
24 Police Department.

25 Q. What position do you hold there?

1 A. For the last 22 years, I've been assigned
2 to the Crime Scene Investigative Unit.

3 Q. Have you had any other positions in law
4 enforcement before that?

5 A. No, I was a patrol officer for three years
6 prior.

7 Q. Okay. And what do you do as a crime scene
8 investigator?

9 A. When we are requested to a scene, it's our
10 job to respond to that scene, to locate the evidence in
11 that scene, to document that evidence, to collect that
12 evidence and preserve it for any future testing.

13 Q. What type of training have you received in
14 order to hold this position?

15 A. I've done a little over 800 hours of
16 documented training, everything from fingerprints to
17 photography, to crime scene reconstructions.

18 Q. I'd like to turn your attention to July 18
19 of 2017. Were you working on that day?

20 A. Yes, ma'am, I was.

21 Q. Do you recall being dispatched to 1108
22 Woburn Way?

23 A. Yes, ma'am, I do.

24 Q. What was that dispatch for?

25 A. I was requested to the scene. It was an

1 individual who had been driving down the road and had
2 been encountered by two individuals in the roadway who
3 had fired shots into his vehicle. He had drove to this
4 location to seek medical attention to get some help for
5 where he'd been shot.

6 Q. And when you arrived on the scene at 1108
7 Woburn Way, were there other law enforcement officers
8 present?

9 A. Yes, ma'am, there was.

10 Q. Were you the only crime scene investigator
11 on the scene that day?

12 A. Yes, ma'am, I was.

13 Q. So what was your role when you first got
14 there?

15 A. In this particular incident, all we had was
16 a vehicle at the time, so I just documented the vehicle
17 itself, where it was located, all of the projectile
18 strikes that were in the vehicle. Did not enter the
19 vehicle. Did not know what was going to be involved
20 inside of the vehicle, so I was awaiting a search
21 warrant. So we just pretty much documented the vehicle
22 as it was found at the time of my arrival.

23 Q. So you mentioned there were two -- two
24 scenes, so to speak?

25 A. Yes, ma'am.

1 Q. One where the shooting actually took place?

2 A. That's correct.

3 Q. And the other where the -- the victim
4 sought help; is that right?

5 A. That's correct.

6 Q. So which scene did you go to first?

7 A. I went to the car first. At the time, the
8 actual shooting scene had not been located. While I was
9 processing the vehicle for photographs, patrol officers
10 were driving through the neighborhood, and they found the
11 cartridge casings and some broken glass indicating that
12 that's where the actual scene had occurred.

13 Q. Okay. I'd like to go ahead --

14 MS. FARZAD: Your Honor, at this point, the
15 government has previously spoken with defense counsel
16 about Government Exhibits 361 through 392. It's my
17 understanding that they do not have any objections to
18 these exhibits coming in.

19 THE COURT: All right. The government is
20 offering at this time Exhibits 361 through 392. Any
21 objection to their admission at this time?

22 Seeing none, Government Exhibits 361 to 392
23 will be admitted.

24 (Government Exhibits Nos. 361 through 392
25 were admitted.)

1 BY MS. FARZAD:

2 Q. So while you were at the first scene, the
3 location of the vehicle where this person sought help,
4 did you take photographs there?

5 A. Yes, ma'am, I did.

6 Q. If we could take a look, please, at
7 Government Exhibit 361.

8 All right. So what's this?

9 A. This is the first photograph that we take
10 when we arrive on scene. As you can see, it has the
11 date, the time that you arrived. It has the complaint
12 number, what the type of call is. In this particular
13 incident, it's a 10-52, which is a shooting. It has the
14 victim's name, the address where you're at, what the
15 photos are taken of, and who is requesting.

16 Q. And can we please take a look at Government
17 Exhibit 381. I'm sorry, 382.

18 So what's this photograph show?

19 A. This is of the victim's vehicle pulled into
20 the driveway. This is just a photograph taken from the
21 roadway itself and where the vehicle was located.

22 Q. Is this that address, 1108 Woburn Way?

23 A. Yes, ma'am, that's correct.

24 Q. Which one is the victim's vehicle in this
25 photo?

1 A. It's the -- kind of that silver-gray SUV
2 you can see there with its back facing you.

3 Q. If we can take a look at Government
4 Exhibit 383. And what's this?

5 A. This is the same vehicle, just taken from
6 the front passenger side of the vehicle itself.

7 Q. And do you see any defects in this vehicle?

8 A. Yes, ma'am. As you can see, the front tire
9 is flat. Right below the orange amber-colored lights,
10 you can see a projectile strike there. Right above the
11 tire, you can see two additional strike marks. It's kind
12 of hard to see in this photograph, but there's also three
13 projectile strikes in the top of the hood.

14 Q. Do you recall whose house this is?

15 A. I don't believe I ever spoke to the
16 homeowners themselves.

17 Q. Okay. If we could take a look, please, at
18 Government Exhibit 384. And what's this show?

19 A. That is another projectile strike. It is
20 in the front grill of the vehicle, penetrated into the
21 radiator.

22 Q. Government Exhibit 385. What's this show?

23 A. These are the before-mentioned three
24 projectile strikes in the hood of the vehicle itself.
25 You can see there's an additional one just right above

1 the windshield wiper. Each one of those white L scales
2 is a measurement, and they're placed beside the
3 projectile strike to help to easily identify them.

4 Q. In the left-hand side there on the
5 passenger side rearview mirror, what's shown there?

6 A. You can see that, as opposed to the one on
7 the driver's side door, the actual cover is missing. So
8 what you're seeing is actually internal parts of the
9 mirror itself. The cover has been detached.

10 Q. Okay. If we could take a look, please, at
11 Government Exhibit 386.

12 A. This is just a closer photograph of the
13 projectile strikes in the hood of the vehicle and the
14 windshield itself.

15 Q. Okay. And if we could look, please, at
16 Government Exhibit 387.

17 A. This is the scaled photographs of the flat
18 tire, the projectile strike below the amber light, and
19 you can see a couple of the ones in the upper fender
20 there in the top left corner.

21 Q. And the white tape that we see around these
22 defects and in the previous photographs, who put that
23 there?

24 A. I did myself.

25 Q. And what's the purpose of it?

1 A. It's just to show the actual diameter of
2 the projectile strike, and it also makes it easier to
3 identify in a dark environment where you can actually see
4 the projectile strikes.

5 Q. If we can take a look, please, at
6 Government Exhibit 388.

7 A. Again, this is the projectile that's
8 actually -- you can see, wherever that marker is on top
9 of the tire, where the projectile actually struck the rim
10 itself and made the tire go flat.

11 Q. If we could take a look, please, at
12 Government Exhibit 389.

13 A. Again, this is the front passenger fender.
14 You can see there's two projectile strikes in the middle
15 of the fender plus the one, again, below the amber light.

16 Q. Government Exhibit 390, please.

17 A. This is two documented projectile strikes
18 right at the mirror area and one that actually struck the
19 A-frame of the front passenger door, breaking the window
20 out.

21 Q. And if we could take a look, please, at
22 Government Exhibit 391.

23 A. This is a photograph of the interior of the
24 vehicle. The door was open and I took the photograph of
25 the interior.

1 Q. And what appears to be on the -- the cups
2 that are in the center console there?

3 A. You can see on the cups, the empty Dasani
4 water bottle and the actual paper bag there in the seat,
5 you can see the red stains appearing to be blood.

6 Q. And if we could take a look, please, at
7 Government Exhibit 392.

8 A. This is a photograph of the opposite side
9 of the same photograph. This is looking into the
10 driver's compartment from the driver's area. You can see
11 that there is apparent blood on the cups as well, the
12 center console, the driver's seat, and as well as on the
13 floorboard of the driver's compartment.

14 Q. And if we could pull up Government Exhibit
15 1235, it's a map, if you wouldn't mind.

16 Okay. Can you tell here what this shows?

17 A. Yes, ma'am. This is an overhead view of
18 the neighborhood where the incident occurred, where the
19 vehicle was found.

20 Q. Okay. So that's where the vehicle was
21 found.

22 A. Yes, ma'am, that's correct.

23 Q. All right. If we could take a look,
24 please, at Government Exhibit 361. And what does this
25 show?

1 A. Again, this is the first photograph that we
2 take when we respond to a scene. After I was done
3 processing the vehicle, I went to this address. Again,
4 you have the date, you have the time, you have the same
5 complaint number, 10-52, which is a shooting, the victim,
6 and the change of address of Bishopgate at Aldersgate.

7 Q. So what -- what happened at Bishopgate and
8 Aldersgate? Why did you go there?

9 A. This is where patrol was driving around,
10 and they located the cartridge casing and the broken
11 glass in the middle of the roadway.

12 Q. And if we could take a look at Government
13 Exhibit 361 -- I'm sorry, 367. Why did you take this
14 photograph?

15 A. We take this photograph just to show the
16 actual address and where you are at.

17 Q. Okay. Can we please take a look at
18 Government Exhibit 368. What's this?

19 A. And this is a photograph looking down the
20 roadway. What you see in the roadway, you'll see these
21 little yellow markers, and they'll have numerical numbers
22 on them. Each one of those markers will be placed beside
23 a piece of evidence. That actual piece of evidence will
24 be collected, and that number will be assigned to that
25 piece of evidence.

1 Q. And is this what the scene looked like when
2 you arrived? Were the markers already there or did
3 someone place those down?

4 A. I placed the markers down once the evidence
5 is located.

6 Q. Could we take a look, please, at Government
7 Exhibit 369.

8 A. What you see in between No. 1 and 4, you
9 can see the pieces of glass from the front passenger
10 windshield -- or window. And you can see right above
11 No. 2, a piece of an item. That is actually the cover
12 for the side view passenger mirror that was missing from
13 the vehicle itself.

14 Q. Okay. And if we could take a look, please,
15 at Government Exhibit 370.

16 A. This is a closeup photograph of the
17 evidence collected and bagged as No. 1.

18 Q. I'm going to hand you what's been marked
19 previously as Government Exhibits 23 through 26.

20 And before I ask you about those, if we
21 could take a look at Government Exhibit 371, please. And
22 what does this show, sir?

23 A. Again, this is a photograph, just a little
24 closer, of evidence marked No. 2 and No. 3. You can see
25 that there are broken shards of glass laid throughout

1 that. Again, you can see the side passenger mirror cover
2 laying there in the top part of the photograph.

3 Q. Okay. So I just handed you Government
4 Exhibits 23 through 26. Can you take a look at those,
5 please?

6 A. Yes, ma'am.

7 Q. Do you recognize what you see there?

8 A. Yes, ma'am, I do.

9 Q. What is that stuff?

10 A. These are the cartridge casings that I
11 collected from the scene that you see with the numerical
12 markers wrote on each individual bag itself, a projectile
13 that was recovered from the scene, and the actual side
14 view mirror cover.

15 Q. Is that the same side view mirror that we
16 see here?

17 A. Yes, ma'am, it is.

18 Q. Okay. And the cartridge casings that you
19 recovered, are they the same that we saw in the previous
20 photographs marked? And there's 2 and 3 marker --
21 evidence markers in this particular photograph?

22 A. Yes, ma'am, that's correct.

23 Q. And do you recall what type of caliber
24 cartridge casings you recovered from the scene that day?

25 A. I believe there were six .45 caliber

1 cartridge casings and four .40 caliber cartridge casings.

2 Q. If we could take a look at Government
3 Exhibit 372, please. What's that show?

4 A. And, again, this is just showing the other
5 pieces of evidence that were collected at the scene.
6 Again, each one of them has a numerical marker
7 corresponding to what is written on the actual piece of
8 evidence itself.

9 Q. And do you recall what type of evidence
10 these are marking?

11 A. They were all cartridge casings, and one of
12 them was a projectile. I don't recall exactly which
13 number that was, but they were all cartridge casings.

14 Q. Okay. And if we could take a look at
15 Government Exhibit 376.

16 A. Again, this is just a closer photograph of
17 items marked No. 7 and No. 8.

18 Q. Okay. Government Exhibit 379, please.

19 A. Evidence marked number 9, 10, and 11.

20 Q. And Government Exhibit 380.

21 A. That is a closeup of evidence collected,
22 Item No. 11.

23 Q. And if you could hold up, please,
24 Government Exhibits 23 and 24. What is inside of those
25 bags?

1 A. It has the individual bags. As I
2 mentioned, each one of these pieces of evidence will have
3 a marker, numerical marker beside of it, and each one of
4 the bags will have the corresponding number with what you
5 see in the photographs. These are the cartridge casings
6 that have been marked 1 through however many it was.

7 MS. FARZAD: Your Honor, I'd like to move
8 to admit Government Exhibits 23 through 26.

9 THE COURT: All right. Without objection,
10 Government Exhibits 23 through 26 will be admitted.

11 (Government Exhibits Nos. 23 through 26
12 were admitted.)

13 BY MS. FARZAD:

14 Q. And could we take a look, please, at
15 Government Exhibit 1255. It should be a map.

16 MS. FARZAD: Excuse me, one second,
17 Your Honor.

18 Your Honor, just for the record, the map
19 that I'd like to show has not been previously admitted.

20 THE COURT: Was 1235 admitted?

21 MS. FARZAD: No, it wasn't.

22 THE COURT: Okay.

23 MS. FARZAD: So the government would move
24 to admit 1235 and ask -- and ask for permission from
25 defense to admit 1255 as well.

1 THE COURT: All right. 1235 is one that
2 was previously published, so we'll take care in the
3 future to get it admitted before -- I think it was
4 published, although maybe --

5 MS. FARZAD: It was.

6 THE COURT: I know it was on my screen, and
7 I guess if it was published on all the screens, it was
8 published. So we'll take care and make sure things are
9 admitted before publishing them.

10 Any objection to the admission of 1235?
11 All right. 1235 will be admitted without objection.

12 (Government Exhibit No. 1235 was admitted.)

13 THE COURT: And then 1255 has been offered.
14 Any objection? All right. 1255 will be admitted without
15 objection.

16 MS. FARZAD: Thank you. And may I publish
17 it to the jury as well?

18 THE COURT: You may.

19 MS. FARZAD: Thank you.

20 (Government Exhibit No. 1255 was admitted.)

21 BY MS. FARZAD:

22 Q. Okay. Sir, if you -- we might zoom in just
23 slightly, if it's possible, just in the -- just to make
24 it a little bit larger.

25 Okay. So we previously looked at the

1 Government Exhibit 1235 of 1108 Woburn Way. And then I
2 believe you just testified that the incident -- the crime
3 scene that you went to collect evidence from was at
4 Bishopsgate and Aldersgate?

5 A. That's correct.

6 Q. Do you see that intersection on this map
7 here?

8 A. Yes. That would be just to the right of
9 the orange teardrop that is kind of toward the lower
10 center of that photograph.

11 Q. Just to the right. Where it says --

12 A. Kismet.

13 Q. -- Kismet?

14 A. Yes, ma'am.

15 Q. Okay. And about how far away was that from
16 the Aldersgate -- I'm sorry, the Woburn location?

17 A. Less than a half mile.

18 Q. All right. Thank you. If we could please
19 put up Government Exhibit 362. What is this a photograph
20 of?

21 A. This is a photograph of the mailbox at the
22 residence of 1025 -- I forget which street it was. It's
23 the one that started with the letter A. It's just a
24 marker of the actual residence itself.

25 Q. Okay. If you'd like, I can show you a

1 report to refresh your recollection on the address.

2 A. I don't remember the actual name of the
3 road itself.

4 Q. Did you previously testify that the
5 intersection was Aldersgate --

6 A. Aldersgate. That -- it was Aldersgate,
7 yes.

8 Q. Why did you go to this location?

9 A. When the patrol officers were out at the
10 scene with the -- blocking the roadway for the cartridge
11 cases, the homeowners actually at this residence had come
12 out and stated that a projectile had struck and entered
13 into their residence.

14 Q. Okay. And so did you go inside the
15 residence?

16 A. Yes, ma'am. They gave me permission to
17 come into their residence. I photographed the damage to
18 their residence, and I collected the projectile from out
19 of their kitchen.

20 Q. We'll take a look, please, at Government
21 Exhibit 363.

22 A. This is a photograph of the residence
23 itself. What you can see -- it's kind of bleached out
24 because of the flash, but what you see there to the
25 bottom left is a photograph of the before-said photograph

1 of the mailbox itself.

2 Q. Can we please take a look at Government
3 Exhibit 364.

4 A. You can see the actual address to the
5 residence itself right above the front door. Right to
6 the upper left of the light itself, you can see a divot
7 right there in the fold of the vinyl siding.

8 Q. Thank you. There we go.

9 A. Yes, you can see the little hole right
10 there. The little brown spot is an actual projectile
11 strike to the residence itself.

12 Q. If we could please take a look at
13 Government Exhibit 365.

14 A. This is a photograph of the interior of the
15 residence where the projectile struck the actual
16 residence and entered into the residence itself.

17 Q. If we could take a look, please,
18 at Government -- actually, before you is Government
19 Exhibit 25. If you could locate that within the bags
20 that are before you. And at the same time, please, could
21 we look at Government Exhibit 366. And maybe zoom in a
22 little bit near the table.

23 What is this, sir?

24 A. That is the projectile that entered into
25 the residence. It is marked Exhibit No. 25.

1 Q. Thank you. So what did you do with the
2 evidence after you collected it on the scene?

3 A. Once we collect the evidence, we will take
4 and place them into, like I said before, the bags
5 themselves, with the corresponding number as to what the
6 placard was on the crime scene. The evidence is sealed.
7 It is logged into a property sheet. Then it is taken to
8 a property room. It's a secured facility that I don't
9 even have access to, and it is turned in to the property
10 room where it is stored until further request is made for
11 further testings.

12 Q. And how about the photographs? What did
13 you do with those?

14 A. The photographs, we have -- at the time, we
15 had a different program than what we currently use. The
16 photographs are uploaded into the system. They are
17 stored in that system, as well as a backup one, at the
18 time a compact disk drive itself.

19 Q. I'd like to turn your attention to May 27,
20 2017. Were you working on that night?

21 A. Yes, ma'am, I was.

22 Q. Do you recall being dispatched to Antioch
23 Pike and McCall Street?

24 A. Yes, ma'am, I was.

25 Q. What was that call for?

1 A. That was a shooting that had occurred there
2 at the intersection of McCall and Antioch Pike.

3 Q. And when you arrived on the scene, were
4 there any other crime scene investigators already there?

5 A. Yes, ma'am. There was a civilian crime
6 scene investigator and a sergeant supervisor for our
7 unit.

8 Q. So what was your role that evening or early
9 morning hours?

10 A. Yeah. On that night, I was tasked with --
11 the evidence had already been located and marked, and I
12 was tasked with actually doing an overhead diagram, a
13 rough scene sketch, of where the evidence was located and
14 a diagram of the actual roadway itself.

15 Q. How did you go about collecting your
16 information to make that diagram?

17 A. I'm kind of gifted in that way. I've got a
18 blueprint background, so I do a lot of drawing. So I'm
19 kind of the guy that does all the diagrams, and I just
20 kind of show up and just kind of free-hand it. Sometimes
21 I'll go back with a map and kind of overlay it just to
22 make sure that it's exactly like it was, representation
23 of what it actually was. But it's just -- pretty much
24 it's a rough sketch with a piece of paper, and you do
25 some measurements.

1 Q. So you take measurements to find out the
2 placement of evidence?

3 A. Yes, ma'am, we do. We will generally
4 choose a minimum of two reference points. You will
5 measure between those two reference points, and then from
6 each one of those reference points, you will measure to
7 your piece of evidence.

8 Your reference points are typically
9 something that is semi-permanent, a telephone pole,
10 corner of a house, something that's really hard to
11 relocate. You'll take those measurements from those two
12 items, measure back to your piece of evidence, and at any
13 time, you can go back with those same measurements and
14 tell exactly where that piece of evidence was.

15 MS. FARZAD: Your Honor, I have previously
16 asked defense counsel if they have any objections to the
17 admission of Government Exhibit 1310, the crime scene
18 diagram prepared by Mr. Fleak, and they've told me they
19 have no objections.

20 THE COURT: All right. Is there -- it's
21 Government Exhibit 1310; is that right?

22 MS. FARZAD: Yes.

23 THE COURT: Any objections to Government
24 Exhibit 1310?

25 All right. Without objection, Government

1 1310 is admitted.

2 (Government Exhibit No. 1310 was admitted.)

3 MS. FARZAD: May I publish it to the jury?

4 THE COURT: You may.

5 BY MS. FARZAD:

6 Q. Can we please pull up 1310. Thank you.

7 Can you describe the diagram here for the
8 jury?

9 A. Yes, sir. I'm sorry, yes, ma'am.

10 What you see is the intersection of McCall
11 Street and Antioch Pike. You can see that there's a lot
12 of numbers. There's numbers 1 through 41. You can see,
13 they're kind of toward the middle, a vehicle in the
14 middle of the roadway. You can see at the top, and kind
15 of toward the top on the left and right, circles with
16 lines coming down. You'll see they're noted as RPA, RPB.
17 And then down toward the middle, you have RPC, and then
18 down toward the bottom you have RPD. Those are what I
19 referred to as your reference points.

20 In this case, the scene was large enough to
21 where we established that we needed more than two
22 reference points. So we collected measurements from RPA
23 to RPB to X amount of pieces of evidence. And then we
24 did measurements between RPC and RPD to the lower pieces
25 of evidence themselves.

1 Q. Okay. Thank you. I'd like to draw your
2 attention -- you can go ahead and take that down, thank
3 you -- to MNPd Incident No. 12017-0688839. Were you
4 requested to conduct latent fingerprints examination of
5 firearms associated with this number?

6 A. Yes, ma'am, I was.

7 Q. Okay. And did you have anything to do with
8 the collection of those firearms?

9 A. No, ma'am, I did not.

10 Q. Okay. So what was your role with respect
11 to these firearms?

12 A. I'm one of the crime scene investigators
13 that's lab trained, and when certain items of evidence
14 are just required for fingerprints, they will put a
15 request in to have these items fingerprinted.

16 On this given night, that was one of the
17 items that I was given to fingerprint. I processed the
18 AK-47 and a Glock pistol.

19 MS. FARZAD: Okay. May I please retrieve
20 Government Exhibits 1 and 2. Thank you.

21 May I approach again, Your Honor?

22 THE COURT: You may.

23 BY MS. FARZAD:

24 Q. Okay. So I believe you testified that you
25 examined an AK-47?

1 A. Yes, ma'am.

2 Q. Before you you have Government Exhibits 1
3 and 2. Do you recognize Government Exhibit 1 and 2?

4 A. Yes, ma'am, I do.

5 Q. And how do you recognize those?

6 A. These are the weapons that I photographed
7 and processed for fingerprints on that night.

8 Q. How do you go about processing a firearm
9 for fingerprints?

10 A. There's several different ways, depending
11 on the actual texture of the weapon. In this given
12 instance, what I did was I just fingerprinted the items
13 with fingerprint powder, which is nothing more than
14 essentially just ground-up pencil lead that is very, very
15 fine. It is placed on the item, and then went over with
16 a feather brush. And the actual fingerprint powder will
17 stick to the fingerprints if there is a fingerprint on
18 there.

19 Q. Were you able to retrieve any fingerprints
20 from Government Exhibit 1 or 2?

21 A. No, ma'am, I was not.

22 MS. FARZAD: One moment, Your Honor.

23 THE COURT: Okay.

24 MS. FARZAD: I have nothing further,
25 Your Honor.

1 THE COURT: All right. Thank you.

2 All right. Mr. Ganguli.

3 MR. GANGULI: No questions, Your Honor.

4 THE COURT: All right. Thank you.

5 Then either Ms. Hood-Schneider or

6 Mr. Lucas?

7 MR. LUCAS: No questions, Your Honor.

8 THE COURT: Mr. Mothershead?

9 MR. MOTHERSHEAD: No questions, Your Honor.

10 THE COURT: Mr. Bloom?

11 MR. BLOOM: No questions, Your Honor.

12 THE COURT: All right. Thank you, sir.

13 You may step down.

14 *****WITNESS EXCUSED*****

15 THE COURT: All right. We'll get at least
16 a start on the government's next witness. If the
17 government wishes to call the witness.

18 MR. HOFF: Yes, Your Honor. The government
19 calls Mr. William Davis.

20 THE COURT: All right. He may come
21 forward.

22 **WILLIAM DAVIS**

23 called as a witness, after having been first duly sworn,
24 testified as follows:

25 MR. HOFF: May I proceed, Your Honor?

1 THE COURT: You may.

2 **DIRECT EXAMINATION**

3 BY MR. HOFF:

4 Q. Sir, can you please state and spell your
5 name for the record.

6 A. William Davis. W-i-l-l-i-a-m, D-a-v-i-s.

7 Q. And, sir, without telling me your address,
8 what street do you live on?

9 A. Aldersgate Road.

10 Q. And is that where you lived in 2017?

11 A. That is correct.

12 Q. Is that in Nashville, Tennessee?

13 A. Antioch, Tennessee.

14 Q. Do you have surveillance cameras at your
15 house?

16 A. Yes, sir.

17 Q. And were they working in January of 2017?

18 A. Yes, sir.

19 Q. At some point in January of 2017, did the
20 police come to your house looking for video from your
21 surveillance cameras?

22 A. Yes, sir.

23 Q. And did you know what they were looking for
24 from your surveillance cameras?

25 A. Not at the time. They informed me that

1 there was some type of shooting in the area, and they
2 were giving me a timeframe of the logs of the video that
3 they were requesting.

4 Q. Okay. And was that unusual for where you
5 lived?

6 A. Yes.

7 Q. Had that ever happened before?

8 A. Not that I'm aware of.

9 Q. And has it happened since the shooting?

10 A. No, sir.

11 Q. And did you provide them with a video they
12 were looking for?

13 A. Yes, sir.

14 Q. And prior to today, have you had an
15 occasion to review those videos?

16 A. Yes, sir.

17 MR. HOFF: Your Honor, if I may approach
18 the witness?

19 THE COURT: You may.

20 BY MR. HOFF:

21 Q. Sir, if you can just take a moment and look
22 at those. I've provided you with Government's
23 Exhibits 359 and 360. Have you seen those before?

24 A. Yes, sir.

25 Q. Okay. And what are those?

1 A. These are the DVD video -- disks of my
2 videos.

3 Q. And did you initial those?

4 A. Yes, sir.

5 Q. Okay. And you watched them prior to today?

6 A. Yes, sir.

7 Q. Are those the copies of the videos that you
8 provided to law enforcement in January of 2017?

9 A. Yes, sir.

10 MR. HOFF: Your Honor, at this time, the
11 government would move to admit Government's Exhibits 359
12 and 360.

13 THE COURT: Absent objection, 359 and 360
14 will be admitted.

15 (Government Exhibits Nos. 359 and 360 were
16 admitted.)

17 MR. HOFF: I would ask just for permission
18 to publish those to the jury, Your Honor.

19 THE COURT: All right. You may do so.

20 BY MR. HOFF:

21 Q. If we could pull up Government's
22 Exhibit 359. If we could just pause it right there at
23 the beginning.

24 Sir, what is this street closest in this
25 video where that black car is parked?

1 A. That is Aldersgate Road.

2 Q. And behind that, there's an intersection
3 there; is that right?

4 A. That's correct.

5 Q. What street is that?

6 A. That is Billingsgate Road.

7 Q. I'm sorry?

8 A. Bishopsgate Road, sorry.

9 Q. I'm sorry, I just couldn't hear you.

10 If we can play the video. (Playing video.)

11 Did you also provide law enforcement with
12 another angle from cameras from your home?

13 A. Yes, sir.

14 Q. And if we could play Government's 360,
15 please.

16 (Playing video.)

17 MR. HOFF: Your Honor, I don't have any
18 further questions for Mr. Davis.

19 THE COURT: All right. Thank you.

20 Mr. Ganguli?

21 MR. GANGULI: No questions, Your Honor.

22 THE COURT: Thank you. Mr. Lucas?

23 MR. LUCAS: No questions.

24 THE COURT: Mr. Mothershead?

25 MR. MOTHERSHEAD: No questions, Your Honor.

1 THE COURT: And Mr. Bloom?

2 MR. BLOOM: No questions, Your Honor.

3 THE COURT: All right. Thank you. You may
4 step down, Mr. Davis.

5 *****WITNESS EXCUSED*****

6 THE COURT: All right. How long would you
7 expect the government's next witness to take?

8 MR. HOFF: Maybe 20 minutes, Your Honor.

9 THE COURT: All right. If you're in the
10 jury box, raise your hand if you want a break now.

11 All right. Raise your hand if you would
12 just as soon squeeze in one more witness and then break.

13 All right. Looks like we have a democracy
14 going here. We'll have the -- we'll proceed ahead.
15 We'll do one more witness and then break for our noon
16 hour.

17 MR. HOFF: Your Honor, the government calls
18 Matthew Fracker.

19 THE COURT: You may come forward.

20 **MATTHEW FRACKER**

21 called as a witness, after having been first duly sworn,
22 testified as follows:

23 **DIRECT EXAMINATION**

24 BY MR. HOFF:

25 Q. Sir, can you please state and spell your

1 name for the record.

2 A. Matt Fracker. M-a-t-t, F-r-a-c-k-e-r.

3 Q. Sir, where did you work in March of 2017?

4 A. With the La Vergne Police Department.

5 Q. And did you retire from that job?

6 A. Yes.

7 Q. And you switched careers?

8 A. Yes.

9 Q. Okay. And on March 1 of 2017, were you
10 involved in a carjacking investigation as part of your
11 work?

12 A. I was.

13 Q. How did you become involved in this
14 investigation?

15 A. I was on my way in that morning and heard
16 radio traffic that the -- the call had come out where I
17 was at. I was able to get in front of the vehicle and
18 stop it.

19 Q. And what was the call that came out? What
20 was it for?

21 A. It was an armed robbery carjacking, three
22 Hispanics males that had stolen a gold Honda Civic. And
23 there was also a silver SUV involved.

24 Q. And you mentioned you were on your way in
25 to work?

1 A. Correct.

2 Q. And so what happened as you were on your
3 way in to work?

4 A. I could hear the radio traffic going on,
5 and I knew the location of the officers trying to catch
6 up to the suspect vehicles. There had been a storm that
7 morning, so traffic was backed up on Murfreesboro Road
8 going into Nashville, and the suspects were caught in
9 traffic. So I was able to get ahead of them. And once I
10 spotted the suspect vehicles, I pulled through the median
11 and blocked the car with my car.

12 Q. Which car did you block?

13 A. The gold Honda.

14 Q. And when you blocked it, what did you do?

15 A. I activated my light, blue lights. I got
16 out and kind of stood back. I knew there was a gun
17 involved at that point, so I didn't want to get involved
18 in any kind of crossfire with the other officers that
19 were coming up from behind. Once the officers made
20 contact with the suspect vehicle, the gold Civic, I went
21 around and went to the driver's side of the Civic.

22 Q. And did you -- were the -- how many people
23 were in the gold Civic?

24 A. There were two Hispanic males in the gold
25 Civic.

1 Q. Were they both arrested?

2 A. Yes.

3 Q. Did you ultimately identify the passenger
4 of the vehicle?

5 A. Yes.

6 Q. And who was that?

7 A. Aaron Alvarez.

8 Q. I want to show you Government's
9 Exhibit 1302. Do you recognize this person?

10 A. That's Aaron Alvarez.

11 Q. And that was the passenger in the vehicle?

12 A. Correct.

13 Q. After -- was he removed from the vehicle --

14 A. Yes.

15 Q. -- Mr. Alvarez? Okay. The driver as well?

16 A. Both occupants were removed, yes.

17 Q. After they were removed from the vehicle,
18 were they placed in handcuffs?

19 A. Yes.

20 Q. Did you take photographs of the gold Civic
21 as it was on the street?

22 A. Yes. I wanted to get photographs as it was
23 before it was moved.

24 Q. If you could look in a binder there, I
25 think it's the top binder. Yes. If you could take a

1 look at Exhibits 1307 and 1308.

2 A. All right. I'm on 1307.

3 Q. If you could look at 1307, and then turn
4 and look at 1308.

5 A. Yes.

6 Q. Do you recognize those photographs?

7 A. Yes.

8 Q. Are those photographs that you took?

9 A. Yes, with my city cell phone.

10 Q. Was it on this date that we're speaking of?

11 A. Yes.

12 MR. HOFF: Your Honor, at this time, the
13 government would move to admit Government's Exhibits 1307
14 and 1308.

15 THE COURT: Seeing no objection, those will
16 be admitted, 1307, 1308.

17 (Government Exhibits Nos. 1307 and 1308
18 were admitted.)

19 MR. HOFF: Your Honor, if I may publish
20 them for the jury.

21 THE COURT: You may.

22 BY MR. HOFF:

23 Q. If we could show Government's Exhibit 1307.
24 What is this a photograph of?

25 A. That's the gold Honda Civic that was

1 carjacked.

2 Q. Did you notice anything when you pulled --
3 or when you stopped this car and after you had got
4 everyone out?

5 A. As I made contact with the driver,
6 obviously we had them with their hands up and told them
7 not to move. When I opened the door to get the driver
8 out, I observed a handgun between the driver's seat and
9 the driver's side floorboard there next to the door.

10 Q. If we could show Government's Exhibit 1308.
11 And if we could zoom in around the bottom of the car
12 there.

13 What is this a photograph of, Mr. Fracker?

14 A. That's the handgun. It's a Smith & Wesson
15 handgun.

16 Q. And you mentioned there was a second
17 vehicle involved; is that right?

18 A. Yes.

19 Q. And can you describe what that vehicle was?

20 A. It was directly behind the gold Civic in
21 traffic.

22 Q. What kind of car was it?

23 A. It was a silver -- I believe it was a Ford
24 SUV.

25 Q. And what happened to that car?

1 A. As we were dealing with the gold Civic,
2 other officers had come up behind -- because they knew
3 the silver Ford was involved. And as they were trying to
4 make contact with him, he turned -- made a sharp left
5 turn down the median, it was kind of a steep ditch, and
6 then turned to the opposite lane of travel going
7 eastbound towards Smyrna on Murfreesboro Road.

8 Q. Did anyone ever stop that car as far as you
9 know?

10 A. They -- officers gave chase, but the
11 vehicle got away.

12 Q. After this arrest, was the car, the gold
13 Honda, taken somewhere to be searched?

14 A. Yes. It was taken into the police
15 department sally port and searched.

16 Q. Were you present for that?

17 A. Yes.

18 Q. At the time was the firearm removed from
19 the vehicle?

20 A. Say again.

21 Q. Was the firearm that was shown in your
22 photograph, 1308, was that taken out of the car?

23 A. Yes. During the search, yes.

24 Q. And was that photographed?

25 A. Yes, it was.

1 Q. Were you present for all of that?

2 A. Yes.

3 Q. If you could, in that same binder, look at
4 Government's Exhibits 1304 through 1306.

5 A. Okay.

6 Q. And do you recognize those photographs?

7 A. Yes.

8 Q. What are those photographs of?

9 A. That was the handgun that was removed from
10 the gold Civic.

11 Q. Were you present when those were taken?

12 A. Yes. I'm the one holding the gun.

13 MR. HOFF: At this time, Your Honor, the
14 government to move to admit Government's Exhibits 1304,
15 1305, and 1306.

16 THE COURT: All right. Absent objection,
17 1304, 1305, and 1306 are admitted and may be published.

18 (Government Exhibits Nos. 1304, 1305, and
19 1306 were admitted.)

20 BY MR. HOFF:

21 Q. If we could look at Government's
22 Exhibit 1304. Do you recognize this?

23 A. Yes.

24 Q. What's that?

25 A. That's the handgun that was removed from

1 the vehicle --

2 Q. And --

3 A. -- the gold Civic.

4 Q. I'm sorry, I didn't mean to interrupt you.

5 Is there a caliber and model on there?

6 A. Yes. .40 Smith & Wesson, or S&W.

7 Q. If we could turn to Government's

8 Exhibit 1305. What is that -- what is shown in that
9 photograph?

10 A. That is me holding the gun, ejecting a
11 round from the chamber.

12 Q. So was the gun loaded when you removed it
13 from the car?

14 A. It was.

15 Q. If we could show Government's Exhibit 1306.
16 And I know this is upside down, but can you describe
17 what's shown in that photograph?

18 A. That's the serial number of the handgun.

19 Q. And what is that serial number?

20 A. P as in Paul, A as in alpha, M as in Mary,
21 3966.

22 Q. After this arrest, was that firearm
23 submitted to the Tennessee Bureau of Investigation
24 Firearms Unit for testing?

25 A. Yes.

1 Q. Later was that firearm -- what happened to
2 that firearm?

3 A. It was, I believe, traded in. Once -- once
4 the case was adjudicated on the state side, the firearm
5 was awarded to the La Vergne Police Department. It was
6 then, in turn, traded in for what eventually became our
7 new duty weapons for the police department.

8 Q. Is that common with the La Vergne Police
9 Department?

10 A. Yes.

11 Q. Okay.

12 MR. HOFF: I have no further questions for
13 this witness, Your Honor.

14 THE COURT: All right. Thank you.

15 Any questions, Mr. Ganguli?

16 MR. GANGULI: No questions, Your Honor.

17 THE COURT: All right. Ms. Hood-Schneider?

18 MS. HOOD-SCHNEIDER: No questions.

19 THE COURT: Mr. Mothershead?

20 MR. MOTHERSHEAD: No questions.

21 THE COURT: And Mr. Bloom?

22 MR. BLOOM: No questions.

23 THE COURT: Thank you, sir. You may step
24 down.

25 *****WITNESS EXCUSED*****

1 THE COURT: All right. Well, I think we
2 probably beat our timing by a little bit. So it's just
3 about 12:15, and we'll take about an hour for the
4 noontime break and ask everyone to be back by 1:15.
5 Thanks for your continuing attention.

6 The jurors may step down.

7 (Whereupon, at 12:14 p.m. the jury retired
8 from open court.)

9 THE COURT: All right. Thank you, please
10 be seated.

11 All in all, Mr. Safeeullah, how do you
12 think we're doing on time?

13 MR. SAFEEULLAH: Doing pretty well,
14 Your Honor.

15 THE COURT: Good. I'm glad to hear that.
16 That's encouraging, if not conclusive, on timing and
17 efficiency.

18 All right. Anything we need to talk about
19 before the break?

20 MR. SAFEEULLAH: Not for the United States.

21 THE COURT: Anything from any defense?

22 MS. HOOD-SCHNEIDER: On behalf of
23 Mr. Flores, I have a question in regards to -- I guess
24 just to say it frankly, will the Court allow, I guess, a
25 cross-examination of a cross-examination? Kind of what

1 we were just talking about, if one defense attorney
2 cross-examines a witness after another defense attorney
3 cross-examined that witness, and that subsequent defense
4 attorney opens doors that the prior defense attorney
5 needs to cross -- how would the Court handle that or if
6 that's even possible?

7 THE COURT: Well, I will tell you what.
8 And I think I understand your question. It's like, well,
9 if you're going first in the order, you know, you may
10 like to go again, not only after the government
11 necessarily, but also after another defense counsel.

12 My belief is a couple of things. Unless I
13 can be convinced that there's some sort of due process
14 right to allow that, I'm disinclined to do that. I do
15 think there's a concern that, well, gee, if I go earlier
16 in the lineup, then I may be more prone -- so if you're
17 second out of four, you're, on average, a little bit more
18 prone to having that happen to you. That's your
19 situation, Ms. Hood-Schneider.

20 If counsel really think that's a problem, I
21 think they need to probably maybe agree to sort of switch
22 up the order. But I do think the general notion is that,
23 you know, the idea is to be able to cross-examine the
24 witness with -- when your time comes, cross-examine the
25 witness with whatever you think is relevant, and if

1 someone after you goes into something that you didn't
2 cover, I think it's just one of those things.

3 If I can be persuaded otherwise, then I'll
4 be happy to take it up, but I do think the idea is for
5 each counsel who, I think, with -- you know, they should
6 all have, really, the same discovery or at least very,
7 very similar discovery.

8 I suppose there could be an argument under
9 Rule 16 that some defendants, you know, get some
10 information that other codefendants don't get, but you're
11 dealing with the same information that you've received.
12 You know your client's objectives. If someone else that
13 cross-examines after you raises something where it turns
14 out that they kind of opened something that you wish
15 you'd gone into, I sort of understand that, but I don't
16 think it is grounds to have, essentially, another shot at
17 cross in response to what a codefendant did. That's my
18 current position. If anyone convinces me otherwise, I'm
19 happy to revisit.

20 All right. Anything else that we need to
21 talk about at this time? No.

22 All right. Thank you, Counsel. We stand
23 in recess.

24 (Whereupon, a break was taken from
25 12:19 p.m. to 1:21 p.m.)

1 THE COURT: Thank you. Please be seated.

2 All right. If we'd call in our jury,

3 please. Thank you.

4 (Whereupon, at 1:22 p.m. the jury returned
5 to open court.)

6 THE COURT: All right. Thank you for your
7 continued attention and service, folks.

8 The government wishes to call its next
9 witness, please.

10 MR. HOFF: Your Honor, the government calls
11 Connor Lamberson.

12 THE COURT: All right.

13 **CONNOR LAMBERSON**

14 called as a witness, after having been first duly sworn,
15 testified as follows:

16 **DIRECT EXAMINATION**

17 BY MR. HOFF:

18 Q. Sir, can you please state and spell your
19 name for the record.

20 A. My name is Connor Lamberson. First name is
21 C-o-n-n-o-r. Last name Lamberson, L-a-m-b-e-r-s-o-n.

22 Q. Sir, where do you work?

23 A. I'm employed by the Tennessee Bureau of
24 Investigation here in Nashville, Tennessee.

25 Q. And is that TBI, for short?

1 A. Yes, sir.

2 Q. What do you do for TBI?

3 A. I am a special agent forensic scientist
4 supervisor in the Firearm and Toolmark Identification
5 Unit.

6 Q. And as part of that -- as part of your job,
7 what do you do for a living?

8 A. So one of my main responsibilities right
9 now is supervising the individuals in my unit. The other
10 major portion of my job is doing microscopic comparisons
11 of cartridge cases, bullets, and other fired components
12 to see if I can determine a common origin between those
13 items.

14 Q. As a supervisor for your unit, what are
15 your responsibilities in that role?

16 A. So I look at professional development of
17 the agents underneath me. I also deal with time entry,
18 leave requests, things of that nature.

19 Q. Are you also the technical leader for the
20 State for TBI?

21 A. Yes, sir, I am.

22 Q. What are your responsibilities for that
23 position?

24 A. As the technical leader, any policy
25 decisions for the unit will roll through my office. I

1 also make decisions that come up during case work for
2 other examiners. So if there is an issue or discrepancy
3 with wording in policy or how a certain piece of evidence
4 should be handled, I would be the person making the
5 decision on how that's done.

6 Q. How many firearms examiners are in your
7 unit?

8 A. We currently have nine examiners with two
9 more on the way.

10 Q. Are you responsible for training those two
11 more that are on the way?

12 A. Yes. So I also overlook the training
13 program, and we will have individual training officers
14 made up of other agents in the unit assigned to those
15 individuals.

16 Q. Are you responsible for the accreditation
17 requirements for your unit?

18 A. Yes, I am.

19 Q. Is your -- is the lab where you work in the
20 firearms unit, is that accredited?

21 A. Yes, we are. We are accredited by ANAB.

22 Q. What is ANAB?

23 A. It stands for the ANSI National
24 Accreditation Board, and ANSI is the American National
25 Standards Institute.

1 Q. How long have you worked for TBI?

2 A. I've worked at TBI since September of 2016.

3 Q. Have you always been in the firearms unit?

4 A. Yes. Ever since I was employed, I was
5 employed directly into that unit.

6 Q. When did you become the supervisor of that
7 unit?

8 A. I became the supervisor in February of '21
9 and overlapped briefly with the outgoing supervisor at
10 the time.

11 Q. Prior to becoming the supervisor of the
12 firearms unit at TBI, what did you do?

13 A. I was a special agent forensic scientist,
14 and I did primarily bench work on cases that were
15 submitted to the TBI. And I also was a member of the
16 Violent Crime Response Team.

17 Q. What is the Violent Crime Response Team?

18 A. It's a crime scene team made up of
19 individuals from every unit at TBI in the Forensic
20 Services Division. We will go out to scenes of
21 particularly heinous crimes or crimes that rise above the
22 level that the local agency can handle based on the
23 resources that they have available to them. So at the
24 request of the district attorney in that particular
25 region or some other high-ranking law enforcement agent,

1 we would respond to a crime scene and work the evidence
2 there.

3 Q. Prior to working at TBI, what did you do?

4 A. I was at Vanderbilt University here in
5 Nashville, Tennessee, working on my doctorate in organic
6 chemistry.

7 Q. And what did you get your degree in?

8 A. It was in organic chemistry with
9 certification in chemical biology.

10 Q. Was that your doctorate degree?

11 A. Yes, sir, it was a doctorate degree.

12 Q. What was your undergraduate degree in?

13 A. It was in chemistry with an ACS
14 certification.

15 Q. What is an ACS certification?

16 A. ACS is the American Chemical Society and
17 for -- to receive that certification, you have to take a
18 set number of chemistry courses above and beyond what is
19 standard for the typical chemistry degree.

20 Q. And how long did you work on your doctorate
21 degree?

22 A. I was there for almost five years. I
23 defended -- in May of 2017 I defended my thesis. So I'd
24 already begun my employment at TBI, at which time I
25 wrapped up the thesis part of the work.

1 Q. So you made the switch from chemistry to
2 firearms?

3 A. Yes, that's correct.

4 Q. And why did you decide to do that?

5 A. It sounded a lot more exciting than
6 chemistry. I had some other job options available, but I
7 didn't want to leave the state. I liked it here and
8 decided to look for other opportunities. At that time, I
9 applied with TBI and was granted that opportunity.

10 Q. Can you briefly describe the subject matter
11 of your specialty in the firearms unit?

12 A. Sure. So in the firearms unit, our bread
13 and butter is looking at firearms and fired ammunition
14 components. And the main thing we do is microscopically
15 examine those fired components together, with each other
16 and with test-fired examples from other firearms that are
17 submitted to us, again, trying to determine if we can
18 find a common origin for all of those items.

19 We also do serial number restorations on
20 firearms and other items. We do distance determination
21 on clothing, and we also enter cartridge cases into the
22 NIBIN database.

23 Q. What is the NIBIN database?

24 A. NIBIN stands for the National Integrated
25 Ballistics Information Network. It's a network set up by

1 the ATF, and you enter fired cartridge cases onto that
2 system. Those images that the system takes are sent off
3 to a central database where they crunch the numbers
4 behind the photographs. There's an algorithm involved
5 that I'm not privy to.

6 But at that time, once the data has been
7 looked at, they send back correlations to a viewing
8 station in our unit. At that time, we can look at images
9 that came back as potential hits for the cartridge cases
10 that we put on. And if we see agreement, we can call
11 that extra evidence in for a comparison.

12 Q. So it's like a -- in those initial -- those
13 initial looking at the images, that's not a confirmation.
14 It's like an initial review?

15 A. Yes, that's correct. We call that
16 correlation review.

17 Q. And you mentioned firearms components.
18 What exactly does that -- do you mean by that?

19 A. So for a firearm -- firearms components,
20 I'm sorry?

21 Q. Like, what -- you mentioned the term fired
22 cartridge casing. What exactly is that?

23 A. Okay. So a fired cartridge case would be a
24 component of ammunition. A typical center-fired
25 cartridge case is going to be made up of four components.

1 You've got the cartridge case, the primer, the gun
2 powder, and the bullet. So the cartridge case sits right
3 in the middle of everything. It holds the gun powder
4 inside of it. It holds the bullet in the mouth of that
5 cartridge case, and then it holds the primer on the rear
6 of that cartridge case.

7 Q. And what is the -- what is a toolmark?

8 A. A toolmark is essentially the transfer of
9 marks that are on a tool, from a hard surface tool to the
10 softer surface of the workpiece.

11 Q. And in your line of work, what does that --
12 what does that mean?

13 A. So for us, we do two types of examinations.
14 We do firearms examinations. Firearms are a tool. So
15 that is a subset of toolmark identification. We also do
16 a toolmark analysis on what typically pops into your mind
17 when you think of a tool. So a pair of bolt cutters or
18 pliers, things of that nature.

19 Q. So a firearm, in your line of work, is a
20 tool?

21 A. Yes, sir, that's correct.

22 Q. And can you briefly describe -- I'm sorry.
23 Can you tell us about what type of specialized training
24 you've had in the field of firearms and toolmark
25 identification?

1 A. Yes. So I went through a two-year training
2 program at TBI with an in-house training officer. During
3 that time, I also completed an approximately year-long
4 academy. It was the National Firearms Examiner Academy
5 and that was put on by the ATF in the DC area. It
6 consisted largely of the same types of exercises and
7 training components, but it was additional training that
8 I was able to receive there.

9 Since that time, I've also been trained to
10 do NIBIN entries, so trained to use the equipment to
11 enter cartridge cases into that database. And I've also
12 been to training and recognized as an authorized trainer
13 to get other individuals access to that system.

14 Q. Have you also trained others in the area of
15 firearms and toolmark identification?

16 A. Yes. I have trained one examiner at this
17 point.

18 Q. You've mentioned the phrase microscopic
19 comparison. What does that mean?

20 A. Microscopic comparison, in my line of work,
21 is looking at two items at the same time under
22 magnification and moving them next to each other, further
23 away from each other, at the same time.

24 Q. And why do you do that?

25 A. We do that so that we can see down further

1 than the naked eye can see. So we can bump magnification
2 up to 10X, 20X, or further if we need to, to look at the
3 microscopic marks that are left behind on different
4 pieces of evidence.

5 Q. And what type of microscope do you use?

6 A. We use a comparison microscope specifically
7 made by Leica Microsystems. These microscopes are
8 basically two compound microscopes similar to what you
9 would see in an undergraduate biology lab or maybe on TV.
10 These two microscopes are linked by an optical bridge,
11 and they come together at the top through an eyepiece.
12 It looks like a pair of binoculars at the top. So
13 whenever you look through that set of binoculars, you can
14 see both pieces of evidence on either stage of that
15 microscope.

16 Q. How many microscopic comparisons of
17 evidence have you done?

18 A. I've done hundreds through training and
19 casework.

20 Q. And how many of those have involved entry
21 into the NIBIN network?

22 A. Probably almost all of them. So the
23 majority of cases that we touch do also go onto the NIBIN
24 network.

25 Q. And do you also test fire guns as part of

1 your job responsibilities?

2 A. Yes, I do.

3 Q. And what does that exactly entail?

4 A. So whenever a firearm is submitted to my
5 unit at TBI, we will -- the first thing we do is we look
6 at the firearm and do a bench analysis of it. So we're
7 checking safety features, looking for damage, and
8 essentially determining whether or not that firearm is
9 safe to fire.

10 Once we've reached that conclusion, that,
11 hey, we can safely fire this in our range, we take the
12 gun with live ammunition into our firing range inside of
13 the unit, and we do a couple different things. We'll
14 test fire each firearm into a water tank. It's just a --
15 it's literally a massive metal tank of water. And we do
16 that to collect bullets in a more or less pristine
17 condition so that we can save those and retain them on
18 file for future analysis, if need be.

19 And we also test fire each firearm down
20 range at least twice, the whole goal being to see whether
21 or not that firearm functions as it should. So whenever
22 you load two cartridges in the magazine and you pull the
23 trigger, does it only fire one of them, does it fire
24 multiple, does it cycle the next cartridge into the
25 chamber, things like that.

1 Q. So to make sure it works?

2 A. Yes.

3 Q. And when you're doing microscopic
4 comparisons of evidence, what are you looking for when
5 you do that?

6 A. We're looking for two major classes of
7 characteristics. So the first one is class
8 characteristics, and the more selective set would be the
9 individual characteristics.

10 Q. And is this when you're looking at
11 cartridge casings?

12 A. It's cartridge cases and bullets.

13 Q. So what are class characteristics?

14 A. Class characteristics are characteristics
15 that are predetermined by the manufacturer. And what
16 that means is there was an engineer or somebody else in
17 the design department that said the breach face of this
18 firearm will look this way.

19 So, for instance, a Glock pistol will have
20 a rectangular firing pin aperture and the extractor and
21 the ejector will be located in the same spot, and every
22 Glock pistol made is going to have those same class
23 characteristics.

24 Similar thing for the barrels. Whenever
25 rifling is created, the manufacturer determines how many

1 lands and grooves are cut into that barrel, the
2 dimensions of those lands and grooves, as well as the
3 caliber of the barrel. So those are the class
4 characteristics.

5 Q. I want to talk about some of those terms
6 you used. What's a breach face?

7 A. So a breach face is where whenever a
8 cartridge is loaded into a firearm, the back end of it,
9 where the primer is, sits up against the breach face. So
10 if this is the cartridge, this is the breach face, they
11 come together like that. And there's a hole in the
12 middle of that breach face where the firing pin can come
13 out and strike the primer whenever the trigger is pulled.

14 Q. Is that how a gun is fired, essentially?

15 A. Yes.

16 Q. Now, you also used -- you also mentioned
17 the terms lands and grooves. What are those?

18 A. So the lands and grooves are inside of a
19 barrel, and they are -- they're put there to stabilize a
20 bullet in flight. So the grooves are typically cut out
21 during manufacture. They'll be the low spots, and the
22 lands will be the high spots in those barrels. What they
23 do is they grab onto the soft jacketing material on a
24 bullet, and they impart the spin on it. So they can be
25 oriented to the right or the left. You could have as few

1 as -- we see three lands and grooves pretty commonly, all
2 the way up to eight or nine, just depends on what the
3 manufacturer requires.

4 Q. So those lands and grooves in the firing
5 pin, those are specific to different firearms
6 manufacturers?

7 A. That's correct.

8 Q. And after -- let me rephrase. So those are
9 class characteristics. Are there any others that you
10 look for when you're looking for class characteristics?

11 A. That covers class fairly -- pretty well.

12 Q. Is that the first part of what you're
13 looking for when you do an examination?

14 A. Yes, that's the first thing we evaluate
15 for.

16 Q. And if you're looking at two pieces of
17 evidence and they have similar class characteristics,
18 what do you look for next?

19 A. We would move on with the examination at
20 that point, and the next thing I would look at is
21 individual characteristics.

22 Q. What are individual characteristics?

23 A. Individual characteristics are microscopic
24 imperfections from the tool that are transferred to the
25 workpiece, so to the cartridge case or to the bullet.

1 Q. And when you say the tool, in this
2 particular instance, what are you referring to?

3 A. To the firearm.

4 Q. And are those -- when you say it's
5 individual to that tool, what does that mean exactly?

6 A. So all of these individual characteristics
7 arise from multiple different places. The first one is
8 during the manufacturing process so that you're cutting
9 these hard metals to make a firearm. The tools that you
10 use to make those cuts on the metal change over time.
11 They sustain damage, they wear out, they get blunt, and
12 you start to leave different marks on the firearm at that
13 time.

14 Additionally, once that firearm goes into
15 circulation, the use and abuse of a firearm can also
16 cause further individuality. So use, just repeated
17 firing over and over, can change marks over time. And
18 then things like rust or corrosion. So if a gun is left
19 out in the rain or if you sweat a lot and you carry it,
20 that can also cause corrosion and change those individual
21 characteristics.

22 Q. So I just want to make sure I'm clear.
23 Class characteristics are for a number of firearms, and
24 individual are to an individual firearm?

25 A. That's correct.

1 Q. Approximately how many firearms have you
2 test fired?

3 A. I've easily test fired over a thousand at
4 this point.

5 Q. And have you previously testified as an
6 expert on the subject of firearms and toolmark
7 identification?

8 A. Yes, I have.

9 Q. Approximately how many times?

10 A. Eight times.

11 Q. And which courts?

12 A. They've all been state courts. I've
13 testified three times in Montgomery County, and one time
14 in Cheatham County, Bedford County, Hamilton County,
15 Sumner County, and Marion County.

16 Q. And are those all in Tennessee?

17 A. Yes, sir, they are.

18 MR. HOFF: Your Honor, at this time, the
19 government would offer Mr. Lamberson as an expert in
20 firearms and toolmark identification.

21 THE COURT: All right. Any objection to
22 that?

23 All right. Mr. Lamberson will be permitted
24 to testify under Rule 702.

25

1 BY MR. HOFF:

2 Q. Mr. Lamberson, did you conduct some
3 microscopic comparisons in this case?

4 A. Yes, I did.

5 Q. Did you have the opportunity to examine
6 four .40 caliber cartridge casings from a Metro-Nashville
7 Police Department case?

8 A. Yes, I did.

9 Q. And did you compare those cartridge casings
10 with test fired cartridge casings?

11 A. I also did that, yes.

12 Q. Did you author a report based on your
13 comparisons and your determinations?

14 A. Yes, sir.

15 Q. Are your reports -- well, are your
16 examinations peer reviewed?

17 A. Yes, they are. They go through a
18 three-step process -- or a three-step peer review
19 process. So whenever I reach a microscopic conclusion,
20 the first step is a verification. So another
21 Court-qualified examiner within the Firearms Unit would
22 take that evidence and also microscopically examine it
23 and tell me whether or not he agrees with my conclusion.

24 The next step is a technical review. So
25 another individual will come in and technically review

1 all of my records to make sure that policies and
2 procedures were followed.

3 And the final step in that process is an
4 administrative review, where a supervisor or other senior
5 examiner will look over the case file, make sure the
6 report is correct, check for grammatical errors, page
7 numbers, and other miscellaneous administrative items.

8 Q. And did that happen in this case here?

9 A. Yes, it did.

10 Q. Does it happen in every case?

11 A. Yes, sir, it does.

12 Q. If you could turn, there's some binders
13 there. And one of them, I believe, is 1 through 435. Do
14 you see that?

15 A. Yes.

16 Q. If you could turn to Exhibit 393. If you
17 could just let me know when you're there.

18 A. I am here.

19 Q. Okay. If you could take a moment, look at
20 that exhibit.

21 A. (Complies.)

22 Q. Should be four pages; is that correct?

23 A. Yeah, just one moment. (Complies.)

24 Okay.

25 Q. What is that that you just reviewed?

1 A. These are the two official reports that I
2 authored on this case.

3 MR. HOFF: Your Honor, at this time, the
4 government would move to admit Government's Exhibit 393.

5 THE COURT: Absent objection, 393 will be
6 admitted.

7 (Government Exhibit No. 393 was admitted.)

8 BY MR. HOFF:

9 Q. If we could pull up, please, page 1 of
10 Government's Exhibit 393.

11 And, Mr. Lamberson, what are we looking at
12 here?

13 A. This is the template of an official
14 firearms report that is generated by the Firearms Unit at
15 the TBI. And within that report are the items that I
16 looked at, basic chain of custody on those items, and
17 then my findings.

18 Q. Okay. And there's -- the items that you
19 looked at, are those listed as exhibits?

20 A. Yes, sir, they are.

21 Q. And what were those items?

22 A. Those items were Exhibits 1A through 1D.
23 And they were all .40 Smith & Wesson caliber cartridge
24 cases, one each.

25 Q. And does it say -- what does it list for

1 each one of those?

2 A. So Exhibit 1A is one .40 Smith & Wesson
3 caliber cartridge case from Aldersgate Road/Bishopsgate
4 Road. 1B, one .40 Smith & Wesson caliber cartridge case
5 from Aldersgate Road/Bishopsgate Road. 1C was one .40
6 Smith & Wesson caliber cartridge case from Aldersgate
7 Road and Bishopsgate Road. And 1D was one .40 Smith &
8 Wesson caliber cartridge case from Aldersgate Road and
9 Bishopsgate Road.

10 Q. We can take it down.

11 May I please have Government's Exhibit 24.
12 It's a physical piece of evidence. It should be four
13 cartridge casings.

14 If I could have you take a look at
15 Government's Exhibit 24, which is being passed up to you
16 now. Do you recognize that?

17 A. Yes, sir, I do.

18 Q. Okay. What are -- what is that that you're
19 looking at, Government's Exhibit 24?

20 A. This is the evidence that contains
21 Exhibits 1A, 1B, 1C, and 1D for this particular report,
22 as well as the outer packaging that was submitted with
23 that.

24 Q. Are those the items that you conducted a
25 microscopic comparison on?

1 A. Yes, they are.

2 Q. And what caused your -- you to conduct the
3 microscopic comparison of those items?

4 A. So these items were submitted to our agency
5 with a request to confirm a NIBIN hit that was generated
6 by our laboratory system as well.

7 Q. And when you say a NIBIN hit, what exactly
8 does that mean?

9 A. So in this particular instance, a
10 test-fired cartridge case was entered into the NIBIN
11 system. That examiner reviewed the images that came back
12 as correlations and found one image that, in particular,
13 we reported as a possible association. And whenever we
14 report that out, we request that, if you need this
15 confirmed microscopically, to please send that back -- or
16 send all that evidence to the TBI for microscopic
17 comparison.

18 Q. So when you first received those items,
19 what did you do?

20 A. The first thing that I did was open the
21 packaging and started documenting the evidence that was
22 submitted to me. Once I had documented everything in
23 full, I moved on to microscopic examination of these four
24 cartridge cases and generated notes in my opinion on a
25 conclusion for those four items.

1 Q. What do you document when you're first
2 documenting these items?

3 A. So we're documenting the type of metal that
4 the cartridge cases are made of. So is the primer a
5 nickel or brass? Is the cartridge case nickel or brass?
6 We're looking at the head stamp to see what caliber the
7 cartridge case is and the manufacturer of that particular
8 cartridge case.

9 And then I'm also taking note of the class
10 characteristics of the cartridge case. So what shape is
11 the firing pin impression, what shape is the aperture, if
12 I can see one on there, where are the extractor and
13 ejector marks. And then I'm also making notes of the
14 individual characteristics that I observe on each
15 individual item.

16 Q. And is that when you're doing that with the
17 microscope?

18 A. Yes, sir, I do use a microscope at that
19 time.

20 Q. So when you first -- you have these four
21 items. Do you compare them to each other?

22 A. Yes. So once I've completed my note-taking
23 or documentation of the items, I'll microscopically
24 examine each one in conjunction with each other.

25 Q. Why do you do that?

1 A. We do that to, A, make sure you look at all
2 of the evidence, and, B, we're looking for
3 reproducibility of those individual characteristics and
4 the patterns that they're left behind in. So you have to
5 look at every single piece of evidence to determine if
6 that reproducibility criteria was met.

7 Q. And when you say reproducibility criteria,
8 what do you mean by that?

9 A. So we're looking for sufficient agreement
10 of those individual characteristics.

11 Q. What is -- when you say sufficient
12 agreement, what does that mean?

13 A. Sufficient agreement means that the
14 individual characteristics -- well, let me back up.

15 Sufficient agreement of individual
16 characteristics is what is needed for an examiner to
17 render a conclusion of common origin. So were these
18 items generated by this tool? So sufficient agreement
19 itself is referring to those individual characteristics.
20 We're looking at -- they could be scratches, dents,
21 burrs, 3D anomalies and other types of visual
22 characteristics that are all laid out in a pattern.

23 Sufficient agreement specifically means
24 that that pattern is better than the similarities that
25 I've seen between toolmarks or, in this case, cartridge

1 cases that were known to have been generated by a
2 different source. And it's also consistent with the
3 agreement that I've seen whenever two cartridge cases
4 came from the same source. So, in other words, it raises
5 above the best agreement I've seen between two marks
6 created by different tools and is consistent with marks
7 that were created by the same tool.

8 Q. And when -- again, in this particular
9 instance when you use the term tool, are you referring to
10 a firearm?

11 A. Yes, sir, I am.

12 Q. Okay. So when you -- you compared those
13 four cartridge casings to each other. And were you able
14 to make -- was there sufficient agreement amongst class
15 characteristics for those four items?

16 A. Yes, there was.

17 Q. And was there sufficient agreement amongst
18 individual characteristics?

19 A. Yes, there was.

20 Q. And so did you make a determination
21 regarding those four cartridge casings as to each other?

22 A. Yes, I did. My determination was that,
23 based on the comparative microscopic examinations and the
24 sufficient agreement of class and individual
25 characteristics, that they were all fired from the same

1 unknown firearm.

2 Q. Now, after you made that determination for
3 those four cartridge casings, did you compare those with
4 something else?

5 A. Yes. The next thing I did was compare them
6 with test-fired cartridge cases from a firearm.

7 Q. And when you say -- I just want to be
8 clear. Test-fired cartridge cases are what?

9 A. Test-fired cartridge cases are, for my
10 purposes, cartridge cases that myself or another examiner
11 has generated within our unit. So these would come from
12 that test-firing step and the examination of a firearm
13 when it's submitted. The cartridge cases, whenever the
14 gun is fired, are collected and retained on file. So in
15 this instance, I pulled test-fired cartridge cases from
16 our file.

17 Q. If we could turn to page 3 of Government's
18 Exhibit 393. And do you recognize this? It should be on
19 your screen there.

20 A. Yes. This is a copy of my official report.
21 It is a supplemental report covering my examination of
22 the test-fired cartridge cases.

23 Q. And what are the exhibits listed under
24 there?

25 A. There is one exhibit, it is Exhibit 4A.

1 It's listed as a Smith & Wesson model SW40C, .40 Smith &
2 Wesson caliber pistol, Serial No. PAM3966 with magazine
3 from vehicle.

4 Q. And what did you -- how many test-fired
5 cartridge casings did you look at from that firearm?

6 A. I looked at -- I believe it was five
7 test-fired cartridge cases from that firearm.

8 Q. And what do you do when you first begin
9 looking at those test-fired cartridge cases?

10 A. So the -- we're doing the same basic thing
11 as whenever you look at evidence, but in this instance,
12 it's a known -- they were known from the same source. So
13 I'm looking at these five items together to see what type
14 of pattern that this firearm leaves behind on cartridge
15 cases, and I'm looking to see if that pattern is
16 reproducible.

17 Q. Okay. And when you looked at the
18 test-fired cartridge casings, were you looking at -- was
19 there sufficient agreement among the class
20 characteristics for those test-fired cartridge casings?

21 A. Yes, there would have been. So I verified
22 through my work that all five of those were from the gun
23 they said they were, and that would be the sufficient
24 agreement portion.

25 Q. And what did you do -- how did you

1 compare -- well, let me rephrase.

2 How many cartridge casings from that
3 test -- from those test-fired cartridge casings did you
4 compare with the four from your initial comparison?

5 A. So I selected one cartridge case that
6 looked best to me. Typically, that's going to be a
7 cartridge case where all of the marks that I'm seeing are
8 visible and unobstructed by manufacturing marks on that
9 cartridge case.

10 Q. And when you selected that one, what did
11 you do?

12 A. So I took that one example and I
13 microscopically examined it in conjunction with the four
14 cartridge cases that were submitted in the other case.

15 Q. Do you compare each of those four that were
16 submitted in the first case we talked about with the
17 test-fired cartridge case?

18 A. Yes, I do.

19 Q. And did you do that in this instance?

20 A. Yes, I did.

21 Q. And when you -- was that a microscopic
22 comparison?

23 A. Yes. It was on our comparison microscope.

24 Q. Did you make any determination as to the
25 class characteristics between the four cartridge casings

1 in the first instance and the one test-fired cartridge
2 casing?

3 A. Yes. There was sufficient agreement of the
4 class characteristics for the four cartridge cases and
5 the test-fired cartridge case.

6 Q. And did you also make a determination as to
7 the individual characteristics?

8 A. Yes. There was also sufficient agreement
9 of individual characteristics between all of those items.

10 Q. And were you able to make a determination
11 as to -- or, I'm sorry. Were you able to make a final
12 determination as to the four test-fired -- or the four
13 cartridge casings and the one test-fired cartridge
14 casing?

15 A. Yes, sir. I determined that they were all
16 fired from the same firearm.

17 Q. Is that the firearm that was listed -- if
18 we could go to page 3 of the Government's Exhibit 393.
19 And is that the firearm that's listed on page 1 -- I'm
20 sorry, it's page 1 of your second report I'm showing here
21 on the screen?

22 A. Yes, sir, that's correct.

23 MR. HOFF: I have nothing further,
24 Your Honor.

25 THE COURT: All right. Thank you.

1 Mr. Ganguli, any cross-examination?

2 MR. GULOTTA: Your Honor, I'll be
3 cross-examining this witness.

4 THE COURT: All right. Mr. Gulotta, you
5 may come forward.

6 MR. GULOTTA: Are we ready, Your Honor?

7 THE COURT: Yep. You may proceed. Thank
8 you.

9 MR. GULOTTA: Thank you.

10 **CROSS-EXAMINATION**

11 BY MR. GULOTTA:

12 Q. Good afternoon, Mr. Lamberson. I just have
13 a few questions for you.

14 A. Okay.

15 Q. My name is Matt Gulotta. I represent Kevin
16 Tidwell. As a layman here, I'm going to ask that if you
17 don't understand a question that I'm presenting to you,
18 if you would ask me to clarify if you don't understand,
19 rather than trying to guess what I'm asking you.

20 A. Yes, sir.

21 Q. Okay, thank you. So as a firearm and
22 toolmarks examiner, part of your job is essentially to
23 match these cartridge cases to the guns that fired them;
24 right?

25 A. We are looking for a common origin, so,

1 yes.

2 Q. Okay. And what part of your job is to be a
3 firearm and toolmarks examiner, what portion, would you
4 say?

5 A. As in the amount of time I spend?

6 Q. Exactly.

7 A. At this time, whenever I wrote these cases,
8 it was 100 percent of the time, other than when I was on
9 crime scenes.

10 Q. Okay. So as a toolmark examiner, firearm
11 and toolmark examiner, what you're essentially doing is
12 you're looking at the bullets and you're looking at the
13 cartridge cases microscopically; correct?

14 A. Yes, sir, that's correct.

15 Q. And you're looking for these tiny
16 imperfections; right?

17 A. Yes.

18 Q. You're looking for irregularities caused by
19 dents, burrs, and blemishes; right?

20 A. Yes, sir.

21 Q. And these different imperfections, they're
22 imparted by objects within the gun; right?

23 A. Yes, sir. So it's a transfer from the
24 harder surface of the gun to the softer metals that it
25 comes in touch with.

1 Q. Things like the firing pin and the breach
2 face; is that right?

3 A. Yes, sir, that's correct.

4 Q. Okay. So I think you covered this a little
5 bit on direct, but I'm a little confused so I wanted to
6 clarify this. Did you say you compared -- the particular
7 gun that you tested, it was a Glock; correct?

8 A. No, sir. It was a Smith & Wesson.

9 Q. Oh, okay. You compared that gun to a
10 different -- different cartridge casings fired by similar
11 guns; right?

12 A. I compared the test-fired cartridge cases
13 from the firearm that was submitted in that other case to
14 the -- the evidence cartridge cases in the first case.

15 Q. Okay. So you essentially -- you had other
16 guns that you compared this to, essentially. And maybe
17 I'm saying that wrong.

18 A. Could you --

19 Q. It's okay to correct me if I --

20 A. So I compared the four cartridge cases to
21 the one gun in this instance.

22 Q. But did you look at similar guns that
23 had -- that had fired other cartridge cases to compare?

24 A. No, sir, I did not.

25 Q. Well, wouldn't that tell you how much

1 variation there are when a gun of that type makes marks
2 on a cartridge case?

3 A. It would have the potential to, yes.

4 Q. So if there were a hundred guns -- and this
5 is a hypothetical. If there were a hundred guns all of
6 the same type firing on the same cartridge case, you have
7 no idea, right, what the differences might be?

8 A. That's correct.

9 Q. Okay. And that would -- I think you
10 already said this. But that would ensure a more accurate
11 test, wouldn't it, if you did that?

12 A. I'm not sure if it would be more accurate,
13 but it would be more data points, yes, sir.

14 Q. Okay. Is it fair to say that what you do
15 is more of an art than it is a science?

16 A. I would classify it as a science, but it is
17 subjective in nature.

18 Q. And you -- when you said this to the Court,
19 you kind of said it with a very high degree of certainty.
20 You said, I matched this cartridge case to the gun,
21 didn't you?

22 A. No, sir. I said that based on the
23 sufficient agreement of class and individual
24 characteristics.

25 Q. So this is just your opinion; right?

1 A. Yes, sir, it's my opinion.

2 Q. Okay. Now, there is a certain error rate
3 here; correct? Some of these tests end up not being
4 correct; right?

5 A. There are different error rates associated
6 with the fire and toolmark analysis field.

7 Q. And you don't have any idea what your error
8 rate is?

9 A. Based on the proficiency testing that I've
10 done -- that's the best example of an error rate that we
11 could have -- I've not recorded an incorrect answer.

12 Q. Now, you mentioned this peer review
13 process. You're not peer reviewing this to other people
14 that are outside your agency, though, are you?

15 A. No, sir, we're not. It's examiners within
16 the unit.

17 Q. Other TBI agents within the unit; right?

18 A. Yes, sir, that's correct.

19 Q. Okay. And you are a TBI agent; correct?

20 A. Yes, I am.

21 Q. So you're a law enforcement officer?

22 A. Yes, sir.

23 Q. And you essentially carry a badge and a
24 gun; correct?

25 A. Yes, sir, I do.

1 Q. Now, you mentioned your education. That's
2 in chemistry; correct?

3 A. That's correct.

4 Q. And would you agree that essentially having
5 a doctorate in chemistry doesn't qualify you to be a
6 firearms and toolmark examiner; right?

7 A. That's correct. That's where the
8 additional training came into effect.

9 MR. GULOTTA: That's all I have,
10 Your Honor.

11 THE COURT: All right. Thank you,
12 Mr. Gulotta.

13 All right. Ms. Hood-Schneider.

14 **CROSS-EXAMINATION**

15 BY MS. HOOD-SCHNEIDER:

16 Q. Good afternoon.

17 A. Hi.

18 Q. Agent or Mr. Lamberson?

19 A. Mr. Lamberson is fine.

20 Q. Okay. I just have a few questions. My
21 name is Vakessha Hood-Schneider. I represent Jorge
22 Flores over here.

23 So you talked about class characteristics
24 and individual characteristics; right?

25 A. Yes.

1 Q. And if I understand you correctly, class
2 characteristics are when -- when a particular gun is
3 produced at the manufacturing level, pretty much every
4 gun that's produced by that cutting tool will have the
5 same characteristics; right?

6 A. So it will be every firearm in that
7 particular make and model, they would have the same
8 characteristics.

9 Q. Okay. And then individual characteristics
10 are just, I guess, for all intents and purposes, the wear
11 and tear of the firearm?

12 A. Yes, that would be a good way to describe
13 it.

14 Q. Okay. What are subclass characteristics?

15 A. So subclass characteristics are a -- it's
16 between class and individual. And it's a little more
17 selective than class characteristics, but we cannot use
18 them for identification purposes.

19 Q. And why is that?

20 A. It's because these particular marks have
21 the capability of extending across an unknown number of
22 firearms or other tools when those tools are created.

23 Q. So how do you -- how could you determine --
24 and, again, forgive me, because I'm a -- I'm looking at
25 this from a layman's perspective. So how can you

1 determine -- so, basically, you just don't analyze
2 subclass characteristics?

3 A. So if -- in the course of my examination,
4 if I see what I believe to be subclass characteristics, I
5 will document those fully, and then I do not use those
6 characteristics for any identification purposes.

7 Q. And are subclass characteristics where the
8 cutting tool has a defect itself at the manufacturing
9 level?

10 A. Yes, that would be the typical place that a
11 subclass characteristic would come from.

12 Q. So, basically, a batch of tools that come
13 from that cutting tool would all have the same subclass
14 characteristics, but they may have a different subclass
15 characteristics from a different batch?

16 A. Yes, that is entirely possible.

17 Q. Okay. I think I've just got one more
18 question. Would you say that there was sufficient
19 agreement between the cartridges that were collected at a
20 scene and the cartridges that you test fired, that's not
21 a hundred percent -- that's not at a hundred percent
22 certainty; correct?

23 A. So that opinion is subjective in nature,
24 and it's based off of my training and experience in the
25 field.

1 Q. Because in order for it to be 100 percent
2 certain, you would have to basically look at every single
3 firearm that was produced?

4 A. Yes, that's correct.

5 MS. HOOD-SCHNEIDER: Those are my
6 questions.

7 THE COURT: All right. Thank you.

8 Mr. Mothershead.

9 MR. MOTHERSHEAD: No questions, Your Honor.

10 THE COURT: All right. Thank you. And
11 Mr. Bloom.

12 MR. BLOOM: No questions, Your Honor.

13 THE COURT: Thank you, Mr. Lamberson.

14 Well, any redirect examination? I
15 shouldn't get ahead of myself. Redirect?

16 **REDIRECT EXAMINATION**

17 BY MR. HOFF:

18 Q. In your examinations, have you ever found
19 two firearms that impart the same individual
20 characteristics on cartridge casings?

21 A. No, I have not.

22 Q. And have you ever -- so have you ever come
23 across that in your work?

24 A. No, sir.

25 MR. HOFF: Nothing further, Your Honor.

1 THE COURT: All right. Now you may step
2 down. Thank you, Mr. Lamberson.

3 *****WITNESS EXCUSED*****

4 MS. FARZAD: The government calls Ken Wolfe
5 to the stand, please.

6 THE COURT: All right. You may come
7 forward.

8 **KENNETH WOLFE**

9 called as a witness, after having been first duly sworn,
10 testified as follows:

11 **DIRECT EXAMINATION**

12 BY MS. FARZAD:

13 Q. Good afternoon, sir.

14 A. Hello.

15 Q. Can you please state and spell your name
16 for the record.

17 A. Kenneth Wolfe, K-n-e-n -- excuse me.
18 K-n-n-e-t-h (sic) W-o-l-f-e.

19 Q. Thank you, sir.

20 MS. FARZAD: And, Your Honor, before we
21 begin with this witness, I previously checked with
22 defense counsel on Government Exhibits 439 through 460,
23 as well as 805 through 852, and received their permission
24 to admit into evidence.

25 THE COURT: All right. Sounds like the

1 government's offering Exhibits 439 to 460 and 805 to 862.

2 Any objection to their admission at this time?

3 All right. Absent objection, Government
4 439 to 460 and 805 to 862 are admitted.

5 MS. FARZAD: Your Honor, it's actually 852.

6 THE COURT: 852, okay. I heard that wrong.

7 All right.

8 MS. FARZAD: Thank you. And --

9 THE COURT: So, yeah, for the record, 805
10 to 852, 439 to 460. Thank you.

11 (Government Exhibits Nos. 439 to 460 and
12 805 to 852 were admitted.)

13 MS. FARZAD: Do I have permission to
14 publish to the jury at the appropriate time?

15 THE COURT: You do.

16 MS. FARZAD: Thank you.

17 BY MS. FARZAD:

18 Q. All right, sir. Could you please tell the
19 jury where you work.

20 A. Metro-Nashville Police Department.

21 Q. What position do you hold there?

22 A. I am currently a crime scene investigator.

23 Q. And how long have you been a crime scene
24 investigator with Metro-Nashville police?

25 A. Since 2009. So 12, 13 years.

1 Q. Have you held any other positions in law
2 enforcement?

3 A. Just -- I mean, just regular police officer
4 or a sheriff's deputy at one point I was also.

5 Q. Was that also for Metro-Nashville?

6 A. Yes, ma'am.

7 Q. All right. And have you received training
8 in order to become a crime scene investigator?

9 A. Yes, ma'am.

10 Q. Can you tell the jury about that?

11 A. We receive -- as crime scene investigators
12 for Metro, we receive in-house training as far as
13 fingerprints, photography, DNA collection. We also
14 receive outside training from different places.

15 In my training, I've been through the
16 National Forensic Academy up in Knoxville. At that
17 training, you're also -- you receive training for blood
18 spatter analysis, shooter reconstruction on top of the
19 regular photography, DNA collection, the basics of crime
20 scene investigation.

21 You also -- I've also been through the
22 FBI's Post Blast Investigation School and an advanced
23 fingerprint photography class through the FBI. We do
24 ongoing training. I've had training through -- I forget
25 the name of it now, but for child death investigations.

1 But we do ongoing training as part of our -- as part of
2 our thing. I'm also certified as a crime scene
3 investigator through the International Association of
4 Identification which, again, also requires ongoing
5 training and recertification every five years.

6 And I'm sure I'm missing something, but,
7 yeah, that's the basics of it.

8 Q. Thank you very much, sir.

9 I'd like to turn your attention to
10 February 25, 2017. Do you recall whether you were
11 working on that date?

12 A. I believe so, yes, ma'am.

13 Q. And do you recall being dispatched to
14 Murfreesboro Pike?

15 A. Yes, ma'am.

16 Q. What was that dispatch for?

17 A. A vehicle crash where a car had been shot
18 up -- or the car had been shot multiple times before, I
19 think, the crash occurred.

20 Q. Do you recall whether the victim was still
21 on the scene when you arrived?

22 A. No, ma'am, I don't believe the victim was.

23 Q. Did the shooting occur at the scene where
24 the vehicle was located?

25 A. I think it occurred close by, but not where

1 the vehicle was located when I got there.

2 Q. Okay. So when you arrived on the scene,
3 were there other law enforcement officers present?

4 A. Yes, ma'am.

5 Q. Were you the only crime scene investigator?

6 A. Yes, ma'am.

7 Q. What was your role?

8 A. To document, to photograph and document the
9 cars, to collect any evidence that possibly could be
10 obtained from the vehicle.

11 Q. Okay. And I'm going to -- just for the
12 sake of efficiency here, I'm going to hand up two
13 exhibits to you.

14 MS. FARZAD: If I could approach,
15 Your Honor?

16 THE COURT: You may.

17 MS. FARZAD: Thank you.

18 BY MS. FARZAD:

19 Q. I'm not going to ask you about them just
20 yet. We'll go through some photographs first.

21 If we could please take a look at
22 Government Exhibit 439. And that will be on your screen.

23 A. Oh.

24 Q. What's this?

25 A. That's our photo work order card in the

1 Crime Scene Unit. That's our -- the card we fill out
2 prior to when we start taking pictures.

3 Q. All right. And is this the one that you
4 filled out for this -- the vehicle at Murfreesboro Pike?

5 A. Yes, ma'am.

6 Q. If we could take a look, please, at
7 Government Exhibit 440. What do we see here?

8 A. That's the actual scene with the vehicles
9 involved.

10 Q. All right. So is this what the scene
11 looked like when you arrived on the scene?

12 A. Yes, ma'am.

13 Q. The vehicles to the left, that looks like
14 it's a gold minivan and a white SUV of some kind, are
15 they related or involved at all with the vehicle we see
16 in the middle with the door open?

17 A. I believe they had been involved in the
18 crash with the vehicle, I think.

19 Q. Okay. Do you have any knowledge as to
20 whether they're involved with the shooting?

21 A. I don't believe so. I don't remember, to
22 be exact.

23 Q. Okay. The vehicle in the center here with
24 the door open, is this the vehicle that was -- that you
25 photographed for the shooting?

1 A. Yes, ma'am.

2 Q. All right. Can we please take a look at
3 Government Exhibit 442.

4 All right. What do we see here?

5 A. That's the rear -- excuse me. That's the
6 rear of the vehicle, of the white vehicle.

7 Q. All right. And on the back here, do there
8 appear to be any bullet defects?

9 A. Yes, ma'am.

10 Q. Where are they? If you could point them
11 out for the jury, please. And just so you know, the
12 screen does not have touch capabilities, so you'll have
13 to just describe it.

14 A. Okay. First off, the back window is
15 missing, so that was believed to be one of the bullet
16 defects. There's one under, looks like, the left side of
17 the spoiler. There's several more going down just to the
18 left of the license plate. There's a couple more down to
19 the center of the -- just to the center right of the
20 bumper. And then on the right side of the bumper there
21 appears to be some more.

22 On the passenger side of the vehicle, there
23 appears to be one at the little -- what I call the opera
24 window, the rear window of the back. And then there's
25 multiple bullet defects on the passenger door area.

1 Q. Thank you. If we could look at Government
2 Exhibit 441. Does that give us a little better view of
3 these defects you have described?

4 A. Yes, ma'am.

5 Q. If we could also take a look at
6 Government 443. And right here, what are these?

7 A. Again, they're bullet defects on the
8 passenger side of the vehicle.

9 Q. If we could take a look, please, at 457.
10 And what are -- is this a closeup of what we just looked
11 at?

12 A. It's the closeup of the bullet defects
13 right around the passenger side door handle.

14 Q. If we could -- and just to explain to the
15 jury, what's the silver that we see around these holes in
16 the panel?

17 A. This is the sheet metal when the paint
18 flakes off or is moved off of the vehicle.

19 Q. What causes that?

20 A. Usually the bullet striking the vehicle.

21 Q. Please take a look at Government
22 Exhibit 446. What do we see here?

23 A. It's the driver's side of the vehicle.

24 Q. Are there additional bullet defects in this
25 photo?

1 A. Yes, ma'am. There appears to be at least
2 one in the -- well, two in the -- three -- there's
3 multiple in the windshield. There's one right there in
4 the fender above the wheel, and there appears to be
5 several -- several more around the door handle. And I
6 think one more -- at least one more in the window.

7 Q. Could we please take a look at Government
8 Exhibit 447. What do we see here?

9 A. It's the driver's side -- it's just a
10 farther back view of the driver's side of the vehicle.

11 Q. All right. Is there an additional defect
12 here on the passenger's rear panel?

13 A. Yes, ma'am. Behind the driver's door
14 there's one, and then I think there's another one right
15 above it in, again, what I call the opera window.

16 Q. Okay. Government Exhibit 448, please.
17 What's this?

18 A. It's the interior of the vehicle with some
19 blood on the steering wheel.

20 Q. And you can see the bullet defects on the
21 windshield as well?

22 A. Yes, ma'am.

23 Q. Could we take a look, please, at Government
24 Exhibit 440 -- I'm sorry, 459. And what does this show?

25 A. It's just a different view of the interior

1 of the passenger -- of the driver's seat of the vehicle.
2 Also to show at least one bullet defect in the back of
3 the driver's seat about -- looks like the middle right of
4 the seat.

5 Q. And near that bullet defect in the middle
6 right area, does there appear to be something red next to
7 that?

8 A. Yes, ma'am. It appears to be blood, yes.

9 Q. Okay. Government Exhibit 449, please.
10 What do we see here on the bottom part of the headrest?

11 A. On the bottom part of the headrest is
12 another bullet defect where a bullet went through the
13 headrest.

14 Q. And Government Exhibit 450, please. And
15 this photograph?

16 A. It's showing the floorboard of the vehicle,
17 the driver's seat area. And I think there's a
18 projectile.

19 Q. And is there blood located also on the
20 strip there on the door?

21 A. Yes, ma'am. On the left side of the
22 driver's seat, there's blood going down the side.

23 Q. If we could take a look at 451, please.
24 And what's this show?

25 A. It's just a -- excuse me. It's a closer

1 picture -- it's a closeup picture of the bullet fragment
2 that was in the driver's floorboard.

3 Q. If you could take a look -- I handed you
4 earlier what's been marked as Government Exhibit 32.
5 Could you take a look at that, please?

6 A. Yes, ma'am.

7 Q. And do you recognize that?

8 A. Yes, ma'am.

9 Q. What is that?

10 A. It would be the bullet projectile that was
11 recovered from the scene.

12 Q. And how do you know that that's the bullet
13 projectile that you recovered from the scene?

14 A. Because it's my handwriting on the back of
15 the -- on the back of the envelope here or the back of
16 the paper bag, if I can speak English.

17 MS. FARZAD: Your Honor, at this time, the
18 government would like to move into evidence Government
19 Exhibit 32 with permission to publish to the jury.

20 THE COURT: All right. Absent objection,
21 Government 32 will be admitted and may be published.

22 (Government Exhibit No. 32 was admitted.)

23 BY MS. FARZAD:

24 Q. Sir, is that the same bullet fragment
25 that's photographed in Government Exhibit 451?

1 A. It appears to be, yes.

2 Q. Can we take a look, please, at Government
3 Exhibit 452. What's this photograph?

4 A. Again, it's the driver's seat with a closer
5 picture -- closeup picture of the bullet defect in the
6 seat.

7 Q. Government Exhibit 455, please. What's
8 that show?

9 A. The driver's -- the front driver's
10 windshield. And at this point, I believe I'd placed the
11 defect scales on the different defect marks.

12 Q. Government Exhibit 458, please. What's
13 that show?

14 A. It's a closeup of defect, Defect 20 of the
15 vehicle. I believe that's the one that was right at the
16 driver's door about midway up.

17 Q. And finally Government Exhibit 460, please.
18 What's that show?

19 A. The inside of the driver's door. It's
20 showing the defects inside of the vehicle.

21 Q. So would these be areas where the bullet
22 had penetrated the vehicle, gone through from the
23 exterior?

24 A. Yes, ma'am.

25 Q. Okay. What did you do with the evidence

1 that you collected from the scene?

2 A. It was packaged up and then was -- then I
3 took it to the property room to be turned in for
4 safekeeping.

5 Q. Did you look for shell casings or cartridge
6 casings nearby the vehicle?

7 A. I believe we looked around but didn't find
8 any just because, from what I understood talking to the
9 officers, the vehicle was in motion when the shooting
10 took place.

11 Q. And the photographs that you took, what did
12 you do with those when you got back to the office?

13 A. They were uploaded to our DIMS system, the
14 Digital Image Management System.

15 Q. All right. I'd like to also direct your
16 attention to September 24, 2017. Were you working on
17 that day?

18 A. Yes, ma'am.

19 Q. Okay. And do you recall being dispatched
20 to a crime scene at Maple Crest Apartments on Natchez
21 Trace?

22 A. Natchez Court, yes, ma'am.

23 Q. What was that call for?

24 A. We had a double homicide there at the
25 Natchez Court.

1 Q. When you arrived on the scene that day,
2 were there other law enforcement officers already there?

3 A. Yes, ma'am.

4 Q. Did you speak with them?

5 A. Yes, ma'am.

6 Q. Did you learn about the scene and where to
7 go to look for evidence?

8 A. Yes, ma'am. They had already found some
9 evidence already before we even got there. But the --
10 what was reiterated to me was that there was two victims
11 inside of a vehicle. Shots had been heard. When
12 residents came out or looked out from their windows, they
13 saw two victims in the vehicle and another vehicle
14 driving off at a high rate of speed.

15 Q. So what did you do first to process the
16 crime scene?

17 A. Just looked for evidence first before
18 anything, just -- well, I talked to the responding
19 officer, the first responding officers, got the
20 information from them, and then we started just looking
21 for evidence was the big thing.

22 Q. Did you take photographs that day?

23 A. Oh, yes.

24 Q. Okay. I'd like to --

25 Counsel's handed me a wise note to caution

1 y'all before we begin to look at these photographs. They
2 are graphic.

3 Sir, so you took photographs that day; is
4 that right?

5 A. Yes, ma'am.

6 Q. Okay. I'd like to go ahead and take a look
7 at Government Exhibit 805, please.

8 All right, sir. What's this?

9 A. Again, it's our photo work order card
10 before we start any photos. This is usually the first
11 card you're going to see on the -- as you look at the
12 photos, it's going to be the first card you're going to
13 see. It gives the information so far as the scene,
14 complaint number, date and time. The officer -- in this
15 case, Detective Baltimore was the officer who was the
16 responding detective that was there that I talked to on
17 the scene.

18 Q. Okay. If we could take a look, please, at
19 806. What do we see here?

20 A. It's the front of the Maple Crest
21 Apartments. It's the entrance area, actually.

22 Q. Why do you take these types of photographs?

23 A. I'm sorry?

24 Q. Why do you take these types of photographs?

25 A. Just the establishing shot, just showing

1 where you're at. This just shows -- in this case, it's
2 just showing the name of the apartments.

3 THE COURT: Let me ask you about that. You
4 had mentioned Natchez Court. Is that the name of the
5 street that Maple Crest Apartments are on?

6 THE WITNESS: Yes, sir.

7 THE COURT: Thank you.

8 THE WITNESS: I believe, if I can help
9 clarify that, that's actually -- it's actually the little
10 street that runs through the apartment complex, actually.

11 THE COURT: Through the complex. Thank
12 you.

13 BY MS. FARZAD:

14 Q. If we could take a look at Government
15 Exhibit 807, please.

16 All right. What's this area here?

17 A. It's just outside of the apartment complex
18 on the little side street there. I believe it's Natchez
19 Court actually is the side street.

20 Q. Why are you photographing this?

21 A. Because officers had located -- when the
22 vehicle was seen leaving, I think it fired several shots,
23 but they were able to locate, I think, at least one fired
24 cartridge casing outside of the fenced-in area for the
25 complex.

1 Q. Can we take a look at Government 808,
2 please. It's a little hard to see, but if you could zoom
3 in just slightly. Thank you.

4 And what's that?

5 A. That's the fired cartridge casing that was
6 outside of the...

7 Q. Okay. And is this from that area that we
8 just saw in Government Exhibit 807?

9 A. Yes, ma'am.

10 Q. All right. And if we could take a look,
11 please, at Government Exhibit 809. Is that a closeup of
12 that cartridge casing?

13 A. Yes, ma'am.

14 Q. Was that collected for evidence?

15 A. Yes, ma'am.

16 Q. All right. Can we take a look, please, at
17 Government Exhibit 810. What do we see here?

18 A. It's a surveillance camera, CCTV camera
19 that's outside of the building of the homicide.

20 Q. Why take this photograph?

21 A. At the time, in case we had gotten -- in
22 case we had -- in case we had gotten video from the video
23 feed, it would show where the video camera was at --
24 located at the time -- at the time of the homicide.

25 Q. Thank you. All right. If we could then

1 look at Government Exhibit 811.

2 All right, sir. What do we have here?

3 A. It's a -- it's a shot just inside of the
4 fenced-in area of the complex. It's just showing the
5 victim's vehicle in the drive.

6 Q. Okay. And when you got on the scene, were
7 the car doors open like that?

8 A. Yes.

9 Q. Government Exhibit 812, please. Is that
10 just a closer up --

11 A. Again, just a closer-up picture of the
12 same.

13 Q. Government Exhibit 813. What's this?

14 A. It's just a picture showing there were some
15 casings on the ground and the blood trail that had moved
16 downhill from the vehicle.

17 Q. And the casings that are visible in this
18 photograph, at this point, you-all had not put evidence
19 markers down; is that right?

20 A. No, ma'am, not at this point.

21 Q. Government Exhibit 814, please.

22 Okay. And what's this show?

23 A. It's showing the driver's side of the
24 vehicle, and, again, there's more casings on the ground.
25 You can --

1 Q. And is the victim -- one of the victims
2 visible in this photograph?

3 A. Yes, ma'am. One of the victims is hanging
4 out of the vehicle from the passenger seat.

5 Q. In the rear passenger seat?

6 A. Yes, ma'am.

7 Q. Just to be clear, did you or anyone in law
8 enforcement open that door to cause the victim to fall
9 out of the car?

10 A. I did not, but I don't know who else -- who
11 else may have opened the door before I got there.

12 Q. When you arrived on the scene, this is how
13 the victim was; is that right?

14 A. Yes, ma'am.

15 Q. Okay. And the liquid coming from the area
16 where the victim's seen, does that appear to be blood?

17 A. Yes, ma'am.

18 Q. Government Exhibit 815, please. What does
19 this show?

20 A. And it's the driver -- sorry, the passenger
21 side of the vehicle, the victim's vehicle, with the
22 windows -- or -- the windows are not in the vehicle.
23 They've been broken out. I believe there are more
24 casings on the ground also in this picture. Yeah.

25 Q. Government Exhibit 817, please. What does

1 this show?

2 A. It's showing the front of the vehicle -- or
3 from the front of the vehicle back down the hill or down
4 the little rise at the complex. You can see the other
5 victim in the front passenger seat and Officer Foster
6 who --

7 Q. What is -- I'm sorry.

8 A. -- who appears to be, at this point,
9 putting out markers for the evidence.

10 Q. That was my next question. Thank you.
11 Government Exhibit 818, please. At this
12 point, are we starting to see some of those evidence
13 markers?

14 A. Yes, ma'am.

15 Q. Who is the man to the right here in this
16 photograph?

17 A. That would be Detective Doug Thibodeaux.
18 He was the -- I think he was the ranking sergeant. He's
19 since made lieutenant.

20 Q. Do you know what these evidence markers are
21 marking?

22 A. I believe cartridge casings.

23 Q. Government Exhibit 819, please. And what
24 does this show?

25 A. Again, it's the passenger side of the

1 vehicle with markers laid down on the cartridge casings.

2 Q. Government Exhibit 820. What does this
3 show?

4 A. It's just a closer picture of the vehicle
5 showing where -- showing the victim and showing some of
6 the defects in the window.

7 Q. Government Exhibit 821. What does that
8 show?

9 A. I believe that's the passenger side rear
10 window that had been -- has a bullet defect.

11 Q. Government Exhibit 822. What does that
12 show?

13 A. Again, it's just a different angle of the
14 same vehicle, passenger side. I believe there's a defect
15 on the outside of the door, but I don't think it came
16 through the door. I think it was sh- -- from inside or
17 through the vehicle. And there was also blood on the
18 passenger window.

19 Q. And the victim in the front seat, is he
20 deceased at this point?

21 A. Yes, ma'am.

22 Q. Government Exhibit 823. What's that show?

23 A. Again, it's another picture of the front
24 passenger -- front passenger side window showing a bullet
25 defect in the window.

1 Q. Government Exhibit 824. What's that show?

2 A. It's the passenger side of the -- front
3 passenger car door, and it's showing a bullet defect. A
4 bullet had come from that inside (sic) and stopped just
5 inside the door. And that's the defect left on the
6 outside of the vehicle.

7 Q. Government Exhibit 826, please. Additional
8 evidence markers there?

9 A. Yes, ma'am.

10 Q. Government Exhibit 827, please. What's
11 that show?

12 A. It's the driver's side of the vehicle
13 showing -- I think there's a defect on the back
14 passenger -- back driver's side door.

15 Q. Government Exhibit 828, please. What's
16 that show?

17 A. Again, it's a little bit closer picture of
18 the same -- same vehicle from the driver's side.

19 Q. Is the victim deceased in the back seat
20 here?

21 A. Yes, ma'am.

22 Q. Government Exhibit 829, please. And what's
23 that show?

24 A. The interior of the vehicle and the
25 driver's seat.

1 Q. Government Exhibit 830. What's that show?

2 A. That's the front -- front passenger side
3 window with blood on the window and a bullet defect in
4 the window and at least one more in the door also.

5 Q. Government Exhibit 831. Who is this? Is
6 this the rear victim?

7 A. That's the passenger in the rear of the
8 vehicle, back passenger seat.

9 Q. Government Exhibit 833. What evidence is
10 this marking, if you recall?

11 A. I believe that was the one from outside of
12 the -- out on the Natchez -- out in the Natchez Court in
13 the street, the first original one that we got.

14 Q. Thank you. Government Exhibit 836, please.

15 A. It's just a picture showing the back of the
16 vehicle. It's a wider angle showing a lot of the markers
17 where evidence was located.

18 Q. I see evidence marker 24 here, and it looks
19 like --

20 A. Yes, ma'am.

21 Q. -- 21 off to the side there. Do most of --
22 do all of these represent cartridge casings or bullet
23 fragments?

24 A. Yes, ma'am, I believe so.

25 Q. Okay. If we could take a look, please, at

1 Government Exhibit 845, please. What's that show?

2 A. These are just -- they're -- not
3 projectiles. They're cartridge casings. They were
4 located on the vehicle in the wipers.

5 Q. Okay. Government Exhibit 846, please. Is
6 that one of those cartridge casings?

7 A. Yes, ma'am. It's just a closer picture.

8 Q. Government Exhibit 848, please.

9 A. Again, it's just a wider angle shot from
10 the front of the vehicle back down the hill with evidence
11 markers on items.

12 Q. Government Exhibit 850, please. What's
13 that show?

14 A. It's a picture of the rear -- the victim in
15 the rear seat from the passenger side of the vehicle.

16 Q. Government Exhibit 851, please. What's
17 that show?

18 A. I believe that was the -- when the medical
19 examiner arrived, I believe that was one of the IDs that
20 we got off the victim.

21 Q. And, finally, Government Exhibit 852.
22 What's that show?

23 A. The victim's hand after the medical
24 examiner removed him from the vehicle.

25 Q. Okay. If you could go ahead and remove the

1 photograph, please.

2 Before you there should be a government
3 exhibit previously marked as 95.

4 A. Yes, ma'am.

5 Q. Could you take a look at that, please. And
6 do you recognize that?

7 A. Yes, ma'am.

8 Q. What does that appear to be?

9 A. They are cartridge casings from the Natchez
10 Court call.

11 MS. FARZAD: Your Honor, at this point, the
12 government moves into evidence Exhibit No. 95 with
13 permission to publish to the jury.

14 THE COURT: Seeing no objection, Government
15 No. 95 will be admitted and may be published.

16 (Government Exhibit No. 95 was admitted.)

17 BY MS. FARZAD:

18 Q. And if you could just hold up for the jury,
19 are these cartridge casings, some of which we saw in
20 these photos, that were recovered from the scene?

21 A. Yes, ma'am.

22 Q. Once you collected the evidence and took
23 the photographs, what did you do with the evidence in the
24 photographs?

25 A. The evidence and the photograph was

1 uploaded again to the Digital Image Management System of
2 the police department.

3 MS. FARZAD: Your Honor, I have no further
4 questions for this witness.

5 THE COURT: All right. One moment.
6 Cross-examination?

7 MR. GANGULI: No questions, Your Honor.

8 THE COURT: All right. Thank you.

9 Ms. Hood-Schneider?

10 MS. HOOD-SCHNEIDER: No questions.

11 MR. MOTHERSHEAD: No questions.

12 THE COURT: And Mr. Bloom?

13 MR. BLOOM: No questions, Your Honor.

14 THE COURT: Thank you, sir. You may step
15 down.

16 *****WITNESS EXCUSED*****

17 THE COURT: Mr. Safeeullah, you may call
18 your next witness.

19 MR. SAFEEULLAH: United States calls
20 Danielle Connor.

21 **DANIELLE CONNOR**

22 called as a witness, after having been first duly sworn,
23 testified as follows:
24
25

DIRECT EXAMINATION

BY MR. SAFEEULLAH:

Q. Good afternoon, Ms. Connor.

A. Hello.

Q. Can you please state and spell your last name for the record.

A. My last name's Connor, C-o-n-n-o-r.

Q. And can you state your full name.

A. Danielle Connor.

Q. And where do you presently work?

A. I work for the Metro-Nashville Police Department as a civilian crime scene investigator.

Q. How long have you worked for the Metro-Nashville Police Department as a civilian crime scene investigator?

A. Just under seven years. It will be seven in July of this year.

Q. Where did you work before you worked for the Metro-Nashville Police Department?

A. I started my career as a crime scene investigator with Little Rock Police Department, Arkansas. And then I worked for the FBI two years before I came to Nashville.

Q. Have you had any training as a crime scene investigator?

1 A. Yes.

2 Q. Can you briefly explain some of that
3 training to us.

4 A. Yes. So I have a bachelor's of science
5 degree, specifically in forensic science, with my
6 emphasis in crime scene processing, from West Virginia
7 University. I have had on-the-job training both in
8 Little Rock and here in Nashville. I also attended the
9 ten-week training at the National Forensic Academy in
10 Knoxville, Tennessee, as well as other 40-hour courses
11 throughout my career.

12 Q. Now, we've heard another crime scene
13 investigator testify here today, so I'm not going to go
14 through what you do every day on a day-to-day basis. But
15 I want to ask you, in February of 2017, were you working
16 as a crime scene investigator?

17 A. Yes.

18 Q. Was Investigator Wolfe one of your
19 coworkers at that time?

20 A. No.

21 Q. He was not?

22 A. No.

23 Q. Did you respond to an incident at Island
24 Vibes nightclub on February 18, 2017?

25 A. Yes, I did.

1 Q. Why did you go there?

2 A. I was dispatched to that location in
3 reference to a shooting.

4 Q. And what time of the day did you go there?

5 A. I believe it was around 3:45 in the
6 morning.

7 Q. What did you do when you first arrived on
8 the scene?

9 A. When I arrived on scene, I spoke with
10 Officer Manning who kind of gave a brief description of
11 the evidence that the officers had located and some of
12 the victim information.

13 Q. Do you know Officer Manning's first name?

14 A. I believe it's Autumn.

15 Q. And what did she explain to you that she
16 learned at that scene?

17 A. From what I remember, she had advised that
18 some unknown suspects at the time had been shooting on
19 Antioch Pike towards the Island Vibes location; that a
20 vehicle had been struck by gunfire and that was parked
21 behind the location.

22 Q. And why was it helpful for you to know that
23 information?

24 A. Generally when the officers first arrive,
25 they do a walk-through of the scene to pinpoint where

1 location of the majority of the evidence is to secure
2 that scene for us upon our arrival. It kind of also
3 helps us direct our attention to specific locations
4 within the scene.

5 Q. So based on what you learned from
6 Officer Manning and other officers at the scene, what did
7 you start to do?

8 A. I did an initial walk-through myself of the
9 scene, and then I took overall photographs of the scene
10 without evidence markers placed. And then I walked
11 through and placed the evidence markers next to items
12 that I had found to be evidence, and then I took another
13 series of photos with the evidence markers.

14 Q. So let's step back a little bit and tell us
15 about your process, your methodology, of how you approach
16 a crime scene.

17 A. So generally, like I said, I'll do an
18 initial walk-through. The officers already kind of give
19 me a layout of where they have found evidence, but I like
20 to verify that and also do a farther search.

21 So I'll walk through and look at the
22 evidence, what we have, whether that's cartridge casings
23 or vehicles with bullet defects or buildings that I have
24 found to have bullet defects. And then I'll take overall
25 photographs of the scene without evidence markers, like I

1 explained, place my evidence markers, take overall
2 photographs again, and then also closeup photographs of
3 each piece of evidence with those evidence markers.

4 Q. And then do you collect the evidence?

5 A. Yes. Once we're done doing all the
6 photographs -- and some of the scenes require us to do a
7 little more additional work. If it's a homicide, we'll
8 do a diagram and FARO scans. So once all of our
9 processing is done, all the evidence would be collected,
10 yes.

11 Q. And do you write a report after that?

12 A. Yes.

13 Q. And what happens to the evidence that you
14 collect?

15 A. Once it's packaged, we'll -- it's all
16 submitted to the property section, which is a separate
17 building that stores all the case evidence.

18 Q. And did you follow the same process that
19 you just told us on February the 18th, 2017?

20 A. Yes.

21 Q. Can you turn to the booklet in front of you
22 that starts with 1 and goes to 435?

23 A. Okay.

24 Q. And can you turn to -- look at Exhibits 394
25 through 414. 394 through 414. And you can move that

1 microphone up there if you need to.

2 A. 394, okay, through 413.

3 Q. 414.

4 A. 414.

5 Q. Have you looked at those photographs?

6 A. Yes, sir.

7 Q. What is depicted in those photographs?

8 A. Photographs that I took at the scene.

9 Q. And how do you know that they are
10 photographs that you took at that scene?

11 A. By the first photo, Exhibit 394, and then
12 just from my memory and reviewing for this case.

13 Q. Also want to pass up to you now what's
14 previously been marked United States Exhibits No. 27, 28,
15 29, 94, and 1220. Can you look at these exhibits as
16 well. These are physical exhibits.

17 A. (Complies.) You have two 1220s here.

18 Q. What number is that you're looking at now?

19 A. This is 1220, and then this is 1220. This
20 one's not mine.

21 Q. Can I see them both back, please.

22 A. Yeah.

23 Q. Can you look at this one, 1220, and tell me
24 if you recognize that one along with the other physical
25 exhibits that are in front of you?

1 A. Yes.

2 Q. And what are those exhibits?

3 A. These are evidence that was collected at
4 the scene.

5 Q. And how do you know that those are evidence
6 that was collected at the scene?

7 A. The bags -- the evidence bags are marked
8 with this individual complaint number for this case, as
9 well as the address, the date -- this date of this
10 incident, and my initials.

11 Q. And what's the case number associated with
12 this case?

13 A. 2017-0158052.

14 MR. SAFEEULLAH: Your Honor, I move to
15 admit into evidence United States Exhibits 394 to 414, in
16 addition to United States Physical Exhibits 27, 28, 29,
17 94, and 1220 and request permission to publish them to
18 the jury.

19 THE COURT: All right. One question,
20 Mr. Safeeullah. Is there a situation with two things
21 inadvertently being marked with the same number?

22 MR. SAFEEULLAH: I believe so, Your Honor.

23 THE COURT: All right. We'll sort out
24 later whether that causes anyone any confusion.

25 Now, any counsel for defendant have any

1 objection to the admission of any of those exhibits?

2 Okay. Seeing no objection, the following
3 exhibits will be admitted: Government Exhibits 394 to
4 414 and Government Exhibits 27, 28, 29, 94, and 1220.
5 And they may be published.

6 (Government Exhibits Nos. 394 to 414 and
7 27, 28, 29, 94, and 1220 were admitted.)

8 BY MR. SAFEEULLAH:

9 Q. Can we please pull up United States
10 Exhibit No. 394, please.

11 Ms. Connor, can you tell us what we're
12 looking at in this photograph?

13 A. So this is the first photo that I would
14 take on any scene. So this is what we call the photo
15 work order. It has the date and the time that I am
16 starting my photographs at the scene, the complaint
17 number, which is individual to every scene or case, the
18 type of call. This one's a 10-83 which is, like, a shots
19 fired.

20 And then any victim information we have,
21 the address of the scene, what photos I am taking, the
22 precinct generally or investigative unit that's calling
23 us out there or the officer request, and that's their
24 employee number. And then at the bottom, it says taken
25 by me.

1 Q. And does the complaint number match the
2 number that you just told us here in court?

3 A. Yes, it does.

4 Q. Can we please look at United States
5 Exhibit 395. Can you please tell us what we're looking
6 at in this photograph.

7 A. So this is the front of the building at
8 that address, 1316 Antioch Pike, which is the Island
9 Vibes Caribbean Restaurant or lounge.

10 Q. And why did you take this photograph?

11 A. Generally I try to get the address of the
12 location or closest location just as a point of
13 reference. So this is the front of that location at that
14 address.

15 Q. Can we please look at United States
16 Exhibit 396. Can you please tell us what we're looking
17 at in this photograph?

18 A. So this is some of the evidence markers.
19 You can see evidence markers 1 and 2 with that Island
20 Vibes location building in the background. The street
21 here is Antioch Pike.

22 Q. So you've taken some steps back away from
23 the picture that we were looking at in 395?

24 A. That's correct.

25 Q. And when you talk about the yellow

1 placards, please explain what those are.

2 A. Yeah. So those are the evidence markers.
3 So each placard you can see in the photograph is
4 signifying a piece of evidence that we have located.

5 Q. Now if you hadn't put the placards down
6 there, would we have been able to see the evidence in
7 this photograph or to know that something was there in
8 this photograph?

9 A. It would have been hard to visually see it
10 in this photograph without the evidence markers.

11 Q. What is to the left of this photograph?

12 A. Where the, like, white lights are?

13 Q. Yes.

14 A. It's, like, a little strip small with
15 several other businesses.

16 Q. And what is to the right of the Island
17 Vibes, the front of the Island Vibes establishment?

18 A. To the right is a driveway to the back of
19 the -- like, a back parking lot behind that business,
20 behind Island Vibes.

21 Q. Can we look at United States Exhibit 397,
22 please. What are we looking at in this photograph?

23 A. So this is -- I took a few steps to the
24 right. So, again, this is just a different view of that
25 same location with the Island Vibes in the background,

1 and you can also now see additional evidence markers,
2 Evidence Marker 3, and then to the right, kind of before
3 the police cars, are several other evidence markers on
4 the roadway there.

5 Q. Can we look at United States Exhibit 398,
6 please. What do we see in this photograph?

7 A. This is another photograph, just more to
8 the right on Antioch Pike. You can see a whole bunch of
9 other evidence markers. Those are all the little yellow
10 triangle-looking things. And this is more in front of
11 the driveway that we had previously spoken of.

12 Q. And what's underneath or by those yellow
13 placards?

14 A. What's -- what are they signifying?

15 Q. Yes. What do they signify?

16 A. In this case, I believe the majority of
17 these are all cartridge casings.

18 Q. Can we look at United States Exhibit 399.
19 What are we looking at in this photograph?

20 A. This is another photograph of the evidence
21 markers on Antioch Pike just angled in a different way.

22 Q. Can we look at United States Exhibit 400.
23 Can you explain to us what we're looking at in this
24 photograph?

25 A. So this is a closeup photograph of Evidence

1 Marker 1 that is on Antioch Pike that we had previously
2 seen in some of the overall photographs. And this
3 Evidence Marker 1 is in relation to that cartridge case
4 that we see here on the roadway.

5 Q. And did you put this placard down?

6 A. I did.

7 Q. Do you know how many placards you put down
8 this morning?

9 A. On this case, I think there were -- I'm
10 trying to think. Just over 40, maybe 41, 42, somewhere
11 around there.

12 Q. Somewhere in the 40s?

13 A. Yeah.

14 Q. With respect to this placard, did you
15 collect that shell casing that's by this placard in --
16 depicted in United States Exhibit 400?

17 A. Yes, I did.

18 Q. And what type of shell casing was that?

19 A. I believe -- I can't tell -- remember
20 offhand because there were multiple calibers out there.
21 I can't remember if this was a .762 or a .223
22 specifically.

23 Q. Can you look at United States Exhibit
24 No. 28 in front of you.

25 A. So 28 in relation to Evidence Marker 1?

1 Q. Yes.

2 A. So evidence -- or Exhibit 28 contains .223
3 caliber cartridge casings.

4 Q. And how many .223 caliber cartridge casings
5 are in evidence -- United States physical
6 exhibit evidence No. 28?

7 A. I had collected 16.

8 Q. Can we look at United States Exhibit 401.
9 And what is depicted in this photograph?

10 A. This is a closeup photograph of Evidence
11 Marker 4 again on Antioch Pike, and this is another
12 cartridge case at that scene.

13 Q. Can you look at United States Exhibit
14 No. 94 in front of you?

15 A. Uh-huh (affirmative).

16 Q. And based on United States Exhibit No. 4 --
17 94 and 401, do you know how many shell casings were
18 picked up in relation to this one that's depicted in this
19 photograph?

20 A. Based on Exhibit 94, it's a 9mm, and I
21 believe I collected three 9mm cartridge casings at this
22 scene.

23 Q. Can you look at United States Exhibit 402.
24 Can we pull up 402?

25 What are we looking at in this photograph?

1 A. This is a midrange photograph depicting
2 Evidence Markers 5 and 6. Again, those are representing
3 cartridge casings that were on Antioch Pike.

4 THE COURT: Let's do this, Mr. Safeeullah.
5 We are at 3 o'clock, so it's probably time to take our
6 midafternoon break. Jurors may step down, and we'll
7 reconvene in 15 minutes or so. Thanks, folks, for your
8 continued attention.

9 (Whereupon, at 3:01 p.m. the jury retired
10 from open court.)

11 THE COURT: All right. Thank you, folks.
12 Please be seated.

13 Mr. Safeeullah, you know, I would say
14 either -- you know, if you have time on break, a brief
15 discussion tonight or whatever to square away the notion
16 about that second No. 1220 so that no one complains that
17 they didn't know what was marked what. Understand what
18 I'm saying?

19 MR. SAFEEULLAH: Yes, Your Honor. I think
20 we just mislabeled it. It inadvertently got passed to
21 the witness. I think she identified 1220 based on her
22 notation on it.

23 THE COURT: Yeah. Like that one, if you
24 are going to introduce it, I don't know if you put it on,
25 like, let's say the back end of your witness list or --

1 as far as I'm concerned, you could just mark it 1220A if
2 that's easier or put it on the back end of your witness
3 list, whatever.

4 MR. SAFEEULLAH: Thank you, Your Honor.

5 THE COURT: Yeah, thank you. All right.

6 Mr. Safeeullah, anything we need to talk
7 about before we go to break?

8 MR. SAFEEULLAH: No, Your Honor.

9 THE COURT: Anything from any counsel for
10 defendants?

11 MR. HAWKINS: Your Honor, I believe -- is
12 Hector Venturas coming up today, may I inquire?

13 THE COURT: I'm sorry. I'm sorry, I didn't
14 hear that, Mr. Hawkins.

15 MR. HAWKINS: Sure. I'm cursed with a soft
16 voice, Your Honor.

17 THE COURT: No worries. So I appreciate
18 with the mic, I should be able to hear you.

19 MR. HAWKINS: So we were wondering if
20 Hector Venturas is going to be called today.

21 MR. SAFEEULLAH: He's the United States'
22 next witness. This witness should take approximately 20
23 or 30 more minutes of direct, and after that, the
24 United States plans on calling Hector Venturas.

25 THE COURT: Do you have an estimate about

1 how long that witness may go?

2 MR. SAFEEULLAH: He may go three, four
3 hours on direct examination.

4 THE COURT: So it sounds like we'll begin
5 that direct, we'll finish the direct tomorrow and at
6 least start on cross of that witness -- I say tomorrow,
7 because you know I mean Monday, because we're taking
8 tomorrow off. But Monday, we'll finish that direct and
9 then go to cross-examination.

10 MR. HAWKINS: And to that, Your Honor, we
11 would like to have maybe a jury-out hearing about what
12 he's going to testify with respect to statements made by
13 co-conspirators. We'd like to have a quick motion in
14 limine heard on that to keep the record clean and perhaps
15 even voir dire this witness very quickly.

16 THE COURT: All right. Let's do this:
17 While we're on break, maybe talk among yourselves about
18 when you think it might make sense to do this, if it's
19 Monday at 8:00. Although that's not -- I've got to tell
20 you. I think we already have something else in another
21 case Monday at 8:00. I would go at 6:00 a.m., I really
22 would. But I don't know about other folks in chambers --
23 I'd go at 7:00, I'd -- you know.

24 But maybe amongst yourselves and
25 Ms. Jackson, try and figure out when we can do this. The

1 problem is tomorrow -- I mean, tomorrow we -- we end up
2 getting a couple motions to continue, by way of
3 explanation. Obviously, we want to use our days in court
4 that are open; tomorrow is one of them. We packed it
5 full, a couple of things got continued. Maybe there's
6 some time tomorrow. Of course, that would require people
7 that maybe thought they were going to be off all day from
8 this courtroom tomorrow not to be able to do that, and
9 that may -- I know there may be some reasons you may not
10 want to do that.

11 Show of hands. Anyone that can't be here
12 tomorrow for that purpose? All right. I think that's
13 fair enough. Then we're going to have to try and -- we
14 can't -- can't do it later today because we have
15 something that follows this trial, the trial proceedings
16 today.

17 It would have to be Monday and -- yeah,
18 okay. Here's what we'll have to do then. It would have
19 to be, unless someone wants to be here at 7:00 a.m. --
20 and I wouldn't blame the court reporter for not being in
21 favor of that -- it would have to be probably Monday
22 after a plea hearing in another case before the jury
23 comes in.

24 So here's what I'm going to say. On break,
25 get a sense for how long you think this might take. You

1 know, if that entails discussion with the government, I'd
2 recommend that, and that will help me determine when to
3 tell the jurors to come in if we can get a reasonable
4 estimate. And when I come back in, we can also talk
5 about what you think the issues are because -- and I --
6 and I probably said this several times. I understand
7 defendants' concerns about co-conspirator statements
8 coming in, and I don't want anything to come in and
9 everyone to forget about it and so forth, right.

10 But do be prepared to sort of articulate,
11 you know, how this situation it would be prudent, or
12 otherwise required or whatever, to do something different
13 than the procedures I've outlined, something more
14 extensive than the procedures I've outlined.

15 Does that make sense, Mr. Hawkins?

16 MR. HAWKINS: Yes, Your Honor. I don't
17 know why we couldn't do a quick voir dire of the witness
18 today before the jury comes back in -- if there's a
19 place, there's a pause in the action, we can put the
20 witness -- I don't know how the government feels about
21 that.

22 MR. SAFEEULLAH: I don't know what the
23 basis for this is and why it's different and more
24 extensive than what's -- the Court has already ruled on
25 in Docket Entry, I believe, 465. There was not a motion

1 in limine filed on this, and I'm not sure why this is
2 different from the other motion in limine that Your Honor
3 already ruled on.

4 THE COURT: And so -- and I think that that
5 sort of is the issue. I'll give you time to think about
6 it, Mr. Hawkins. Because if I'm Mr. Safeeullah, I'm
7 probably saying the same thing. And that's initially
8 what I'm thinking, which is understanding the defendant's
9 concerns about it. Of course, I made my ruling based on
10 the law and practicalities and fairness to the defendants
11 and all that. So think about how you'd make your pitch
12 as to something different than what we've done.

13 MR. HAWKINS: I'll speak with the
14 government on the break.

15 THE COURT: All right. Then we'll take
16 about 15 minutes, and we will go from there. Our witness
17 may step down. Thank you.

18 (Whereupon, a break was taken from
19 3:08 p.m. to 3:33 p.m.)

20 THE COURT: Anything we need to talk about
21 at this time regarding Mr. Hawkins' issue or anything
22 else?

23 MR. HAWKINS: Your Honor, I think we've
24 resolved that issue. You know, we'll just be vigilant
25 during the direct. We're concerned about hearsay that is

1 not an exception, the statements made by co-conspirators.
2 The problem is one of -- these statements not being in
3 furtherance, as required by the rule. And the Sixth
4 Circuit has been very clear in *United States versus*
5 *Darwich*. I'll give you the cite. The Sixth Circuit says
6 that, you know, mere idle chatter or casual conversation
7 about past events is not considered a statement in
8 furtherance of a conspiracy.

9 And I'm concerned that some of these
10 statements, perhaps some of them about the murder of
11 Liliana Rodriguez, are going to come in, statements from
12 a co-conspirator that are really simply documentary in
13 telling about something that happened, and they serve no
14 real purpose. That's 337 F.3d 645.

15 THE COURT: Okay. So a couple things, and
16 I'll certainly allow you to continue. You know, one
17 is -- and you are raising an issue different than what
18 was the subject of my order which is, like, well, you
19 know, the problem here is -- but the general nature of
20 the issue to which my order was responding was to the
21 notion that the foundation had not been laid. Maybe it
22 could be laid by the government at a certain point, but
23 it may not at all be laid by the time the alleged
24 co-conspirator statement is offered.

25 You're raising a different issue which is

1 it doesn't matter when it's offered. There's nothing the
2 government could ever do to make this admissible under
3 the co-conspirator exception because it doesn't meet the
4 definition of a co-conspirator statement that is exempted
5 from the definition of hearsay. The reason it doesn't do
6 that is it's a statement not in furtherance of the
7 conspiracy.

8 Now, the government, with some witnesses,
9 at least one or maybe -- well, I suppose maybe it was
10 Mr. Avila -- maybe it was just Mr. Avila. You know, they
11 have a theory that part of what, you know -- and it's
12 obvious that this is their theory, right, and they're
13 eliciting testimony -- that part of what happens, at
14 least if you're Second Word, but maybe if you're a -- if
15 you're a homeboy dealing with someone lower on the totem
16 pole, even in that scenario, it is in furtherance of the
17 conspiracy for you to get the low-down on what's going on
18 right in front of you. That's the government's theory.

19 What you're describing, I think, makes
20 sense. Look, idle chatter, just the way we use that
21 term, you wouldn't think idle chatter is in furtherance
22 of much of anything, right. So I get your point. In a
23 given context, maybe I'll agree with you. Maybe there
24 will be a dispute between the parties over that issue,
25 and I guess we can take it up as we come.

1 So when you hear something that you think
2 is hearsay, by all means, feel free to object. If the
3 objection is along the lines of, well, you know, this
4 statement -- maybe it's the kind of statement that could
5 be in furtherance of the conspiracy but the foundation
6 hadn't been laid, then we'll proceed according to my
7 order. If there's any other basis for objecting, we can
8 take that up. And the nature of the objection you're
9 talking about is a different nature, which is, you know,
10 this kind of statement is -- could never be in
11 furtherance of the conspiracy.

12 So when you make an objection, we'll just
13 try and be clear about what the nature of it is, and
14 we'll take it up.

15 All right. Anything that you have on that,
16 Mr. Safeeullah?

17 MR. SAFEEULLAH: Not at this time,
18 Your Honor.

19 THE COURT: All right. I would say this:
20 I'm going to look at the case that Mr. Hawkins cites. I
21 think it's -- it sounds like a perfectly reasonable sort
22 of legal proposition. If the government wants to cite a
23 case maybe setting forth its view about where the line is
24 between sort of idle chatter about historic events versus
25 discussions about prior events that actually do further

1 the conspiracy, if the government wants to present
2 something or if anyone else on the defendant's side wants
3 to present something, I'm happy to look at it.

4 All right. Anything further at this time?
5 No?

6 MR. SAFEEULLAH: No, Your Honor.

7 THE COURT: All right. Very well.

8 All right, Mr. Safeeullah. We can have our
9 witness take the stand again. Ms. Connor. And then you
10 can take the lectern and we can call in our jurors as
11 soon as Ms. Connor takes the stand.

12 (Whereupon, at 3:39 p.m. the jury returned
13 to open court.)

14 THE COURT: All right. Thanks, folks. I
15 anticipate we'll go until about 4:45 today just as an
16 FYI. As you'll recall, we are off tomorrow, back Monday.
17 Thanks for your continued attention.

18 All right. Mr. Safeeullah, as you'll
19 recall, was doing the direct exam of Ms. Connor, and he
20 may continue.

21 MR. SAFEEULLAH: Thank you, Your Honor.

22 BY MR. SAFEEULLAH:

23 Q. Can we pull back up United States
24 Exhibit 402, please. I believe when we left off,
25 Ms. Connor, you were explaining to us what was in this

1 photograph. Can you tell us what's in United States
2 Exhibit 402?

3 A. Yes. So this is a mid-range photograph
4 showing Evidence Markers 5 and 6 on Antioch Pike. Each
5 evidence marker signifies -- I believe both of these are
6 cartridge cases.

7 Q. And do you know what type of cartridge
8 casing is next to placard No. 5?

9 A. It appears to be a rifle caliber cartridge
10 case.

11 Q. Do you know what particular rifle?

12 A. I'd have to see if I can... I don't think
13 I can tell on here just looking through the bag. Let me
14 see. I don't think I'm going to be able to tell. Just
15 by looking at it -- I'm not a firearms expert, so just by
16 looking at the picture, I can't tell. I'd have to check
17 either my documentation for the exact -- what one I
18 marked as Evidence 5, whether it's a 7.62 or .223. I
19 can't tell just by looking at that.

20 Q. So you can't tell right now?

21 A. Huh-uh (negative).

22 Q. Is there something that would help refresh
23 your recollection?

24 A. Either looking at the evidence itself or
25 the 110 evidence submittal form.

1 MR. SAFEEULLAH: Your Honor, may I pass
2 this witness a form to look at?

3 THE COURT: You may.

4 BY MR. SAFEEULLAH:

5 Q. Without reading from that document, can you
6 just look over it, please.

7 A. (Complies.)

8 Q. Have you finished reviewing that document?

9 A. Yeah. It's my --

10 THE COURT: One moment. The way we'll
11 proceed, procedurally, is your memory refreshed after
12 reviewing that document?

13 THE WITNESS: Of this exact photograph?

14 THE COURT: Well, so the question being, if
15 I understand your testimony, you did not recall what
16 caliber --

17 THE WITNESS: Correct.

18 THE COURT: -- and it sounded like you told
19 Mr. Safeeullah that it might be possible to refresh your
20 memory as to what caliber it was; is that correct?

21 THE WITNESS: Correct.

22 THE COURT: Having reviewed that, have you
23 reviewed it and determined whether your memory is
24 refreshed on that point?

25 THE WITNESS: Yes.

1 THE COURT: Okay. All right. If you would
2 set it aside, please, and then Mr. Safeeullah will ask
3 you a question. Thank you.

4 BY MR. SAFEEULLAH:

5 Q. So your memory has been refreshed now?

6 A. From that, yes.

7 Q. Okay. So what cartridge casing is located
8 next to No. 5?

9 A. A .223 caliber cartridge case.

10 Q. Was that one of the .223 cartridge casings
11 that you previously testified about in United States
12 Exhibit No. 28?

13 A. Yes.

14 Q. What type of cartridge casing is at the
15 placard listed at No. 6?

16 A. That's going to be a handgun caliber. So
17 either a .45 or a 9mm. In this photo, I can't tell
18 because it's not a closeup photograph. So I'm not able
19 to tell from this photo alone.

20 Q. Is there something that would help refresh
21 your recollection?

22 A. Yes. Again, either this form or the
23 evidence itself.

24 Q. Without reading from the form, can you look
25 at the form, please, and let me know when you're finished

1 looking at the form.

2 A. Okay.

3 Q. Have you finished looking at the form?

4 A. Yes, sir.

5 Q. Has your memory been refreshed?

6 A. Yes, sir.

7 Q. Now looking at United States Exhibit 402,
8 the placard at -- placard 6, can you tell us what type of
9 cartridge casing that is?

10 A. That would be a 9mm cartridge case.

11 Q. Can we turn to United States Exhibit 404,
12 please. Is this the -- what is this in this photograph?

13 A. This is a closeup photograph of that
14 cartridge case with Evidence Marker 6.

15 Q. Can we turn to United States Exhibit 403,
16 please. Can you tell us what we're looking at in this
17 photograph?

18 A. This is that previous .223 caliber
19 cartridge case with Evidence Marker 5.

20 Q. Is there something distinctive about this
21 cartridge casing?

22 A. The back end of it appears to have been
23 defected in some way.

24 Q. And based on your training and experience,
25 what would cause it to be defective in this way?

1 A. It could -- it's possible that the
2 cartridge case was ran over, causing it to have that
3 smashed-look effect on the back end of it.

4 Q. And where was this photograph taken?

5 A. That was on Antioch Pike.

6 Q. Can we turn to United States Exhibit 406,
7 please. And can you please tell us what we're looking at
8 in this photograph?

9 A. These are additional evidence markers next
10 to other evidence we had located or I had located. This
11 is on the driveway. The lower bottom half would be
12 closest to Antioch Pike, and the background is leading
13 towards the back parking lot behind that building. That
14 building on the right side is the side of that Island
15 Vibes location.

16 Q. On the right side or on the left side?

17 A. The left side, sorry.

18 Q. So the left side is the Island Vibes
19 location?

20 A. Correct.

21 Q. Can we go back to United States
22 Exhibit 498, please. So when we're looking at this
23 photograph, the driveway is down past the police cars?

24 A. That's correct. Uh-huh (affirmative).

25 Q. So 406 was a view of looking down that

1 driveway?

2 A. Yeah, closer up. Uh-huh (affirmative).

3 Q. Can we go back to United States
4 Exhibit 406, please. What is on the left-hand side of
5 this photograph we're looking at? I know you mentioned
6 it's the club, but what's on that -- in that club -- on
7 that club wall?

8 A. On the farther end of the club wall, we had
9 located some defects to the wall that appeared to have
10 been from projectiles that had struck it.

11 Q. And when we're looking at these placards
12 here, do you know what's under the placard 21 and 20?

13 A. 21 and 20. Not offhand. You mean next to
14 it or under?

15 Q. Next to placards 21 and 20.

16 A. As in the plastic cups or the evidence
17 itself?

18 Q. Well, explain to us what those are. Are
19 those plastic cups?

20 A. The little things next to each of those
21 placards, yes, sir.

22 Q. Did you put those plastic cups down?

23 A. I did not put those there.

24 Q. Were they there before you arrived on the
25 scene?

1 A. That's correct.

2 Q. Do you know what's under those plastic
3 cups?

4 A. Evidence. Whether that's some -- or
5 cartridge cases, and we had found, I think, a few copper
6 fragments out there.

7 Q. Do you know what evidence is located at
8 placard 20 and 21?

9 A. A cartridge case, I believe.

10 Q. Do you know what type of cartridge case?

11 A. Not off memory. I can't memorize every
12 cartridge case -- or every evidence marker number.

13 Q. That's fine. Is there something that would
14 help refresh your recollection?

15 A. The form that I had filled out, yes, sir.

16 Q. Can you look at that form, and let me know
17 when you've finished looking at that form.

18 A. Okay.

19 Q. Having looked at that form now, has your
20 memory been refreshed?

21 A. Yes, sir.

22 Q. So I'll repeat the question. Can you tell
23 us what type of evidence is at placard 20 and 21?

24 A. 20 and 21 were 7.62 caliber cartridge
25 casings.

1 Q. Did you end up recovering the 7.62
2 cartridge casings that were at placard 20 and 21?

3 A. Yes. They were collected as evidence.

4 Q. How many 7.62 cartridge casings did you
5 recover that day?

6 A. At this scene, 18.

7 Q. Can you look at United States Exhibit
8 No. 27 in front of you. What is that exhibit?

9 A. This is the 18 7.62 caliber cartridge cases
10 that were collected at the scene.

11 Q. Can we turn to United States Exhibit 407,
12 please. Can you tell us what we're looking at in this
13 photograph?

14 A. This is farther down that driveway,
15 approaching that back parking lot, with additional
16 evidence markers.

17 Q. Can we look at United States Exhibit 408,
18 please. Can you tell us what we're looking at in this
19 photograph?

20 A. This is on -- or on the driveway. I have
21 turned the opposite direction. So instead of facing the
22 back parking lot, I am now, I believe, facing towards
23 Antioch Pike. So the Antioch Pike's kind of where you
24 see those cop cars and the stop sign.

25 Q. And what do all of those yellow placards

1 symbolize?

2 A. Each of those yellow placards that you see
3 are additional evidence on that driveway that we had
4 located.

5 Q. Was it raining this morning?

6 A. It was, sir.

7 Q. Can we please turn to United States
8 Exhibit 409, please. What is this a photograph of?

9 A. This is a photograph in the back parking
10 lot area behind the Island Vibes building.

11 Q. Can we please turn to United States
12 Exhibit 410, please. What are we looking at in this
13 photograph?

14 A. This is at the far backside of the parking
15 lot. Down on that concrete patio or slab, that little
16 black square is a cell phone.

17 Q. Why did you take this photograph?

18 A. Because it was -- when we searched the
19 scene, that cell phone was in proximity to the rest of
20 the evidence, so we had marked it as potential evidence.

21 Q. Can we look at United States Exhibit 411,
22 please. Can you tell us what we're looking at in this
23 photograph?

24 A. This is an additional closer-up photograph
25 of that cell phone and a back of a cell phone on the left

1 side of the photograph.

2 Q. Can we look at United States Exhibit 412,
3 please. What are we looking at in this photograph?

4 A. A closeup photograph of that same cell
5 phone on that concrete slab.

6 Q. Can we look at United States Exhibit 413,
7 please. What are we looking at in this photograph?

8 A. This is -- when I touched the phone, the
9 screen lit up, and this was that front screen.

10 Q. Was there another CSI detective at the
11 scene taking photographs that morning?

12 A. Yes, there was.

13 Q. And who was that?

14 A. CSI John Terry.

15 Q. And what did you see him taking photographs
16 of?

17 A. CSI Terry photographed the defects to the
18 side of the building along the driveway. And I believe
19 he also photographed a defect to a vehicle that was
20 parked in that back parking lot.

21 Q. Okay. I want to change focus and shift to
22 another incident.

23 A. Okay.

24 Q. In May of 2017, were you working as a crime
25 scene investigator for the Metro-Nashville Police

1 Department?

2 A. Yes, I was.

3 Q. Did you respond to an incident on May 21,
4 2017, at 1088 Murfreesboro Pike?

5 A. Yes, I did.

6 Q. Approximately when did you get there? Do
7 you remember?

8 A. I believe this was right about 1:00 a.m.
9 timeframe.

10 Q. And what did you do when you first got to
11 this scene?

12 A. So, again, I spoke to one of the officers
13 on scene. If I recall, I think it was Officer
14 Spadavecchia was there on this one. Again, I garnered any
15 information he had of the scene, victim information,
16 whether the victim was transported to a hospital, and
17 what -- with what injuries. And then I also, again,
18 searched the scene for any potential evidence.

19 Q. Did you also take photographs?

20 A. Yes, I did, sir.

21 Q. Did you also collect evidence?

22 A. I did.

23 Q. Did you also write a report about this
24 incident?

25 A. I did, yes.

1 Q. Did you also submit the evidence that you
2 collected to Property?

3 A. Yes, I did.

4 Q. Can you look in the booklet in front of
5 you. I think it might be the next booklet. You can put
6 that binder back up.

7 The next binder that contains 436 through
8 650, it starts with 436 through 650. Do you see that
9 binder up there?

10 A. Yeah.

11 Q. Before you start going through that
12 binder --

13 MR. SAFEEULLAH: Your Honor, may I get back
14 the document that refreshed her recollection?

15 THE COURT: You may.

16 BY MR. SAFEEULLAH:

17 Q. Can you look through the binder that you
18 have in front of you at Exhibits 469 through 524.

19 A. Okay.

20 Q. Can you also look at United States
21 Exhibit 552 and 553.

22 A. Okay.

23 Q. Have you looked at those exhibits?

24 A. Yes, sir.

25 Q. What are those exhibits?

1 A. These are photographs that I took at that
2 location at 1088 Murfreesboro Pike.

3 MR. SAFEEULLAH: Your Honor, may I approach
4 this witness again?

5 THE COURT: You may.

6 BY MR. SAFEEULLAH:

7 Q. I'm passing up what's been previously
8 marked as United States Exhibits 33, 34, 35, 40, and 41.

9 Can you look at those exhibits, please.

10 A. Okay.

11 Q. And do you recognize what those exhibits
12 are?

13 A. Yes, sir.

14 Q. And what do you know them to be?

15 A. Evidence collected at this scene.

16 MR. SAFEEULLAH: Your Honor, I move to
17 admit into evidence United States Exhibits 469 through
18 524, 552, 553, as well as United States Exhibits Nos. 33,
19 34, 35, 40, 41, and request permission to publish them to
20 the jury.

21 THE COURT: All right. Absent objection,
22 the following exhibits are admitted: Government Exhibits
23 469 to 524, Government Exhibits 552 and 553, Government
24 Exhibits 33, 34, 35, 40, and 41. And they may be
25 published to the jury.

1 (Government Exhibits Nos. 469-524, 552,
2 553, 33-35, 40 and 41 were admitted.)

3 MR. SAFEEULLAH: Thank you, Your Honor.

4 BY MR. SAFEEULLAH:

5 Q. Can we start with United States Exhibit 469
6 and pull that up, please. Can you please explain to us
7 what we're looking at in this photograph?

8 A. This is the photo work order for this
9 scene, the date of the incident and time I started these
10 photographs, the individual complaint number for this
11 case, the type of call, which signifies a fatal shooting,
12 the address of this location, 1088 Murfreesboro Pike,
13 again, the photos I'm going to be taking of a scene, any
14 evidence and a vehicle, and then the requesting precinct,
15 which I had put as Hermitage, and then my name.

16 Q. Can we take a look at United States
17 Exhibit 470, please. Can you please tell us what we're
18 looking at in this photograph?

19 A. This is part of the strip mall that this
20 incident was located at. This is one of the businesses
21 there, the Sheeba Restaurant.

22 Q. Why did you take this picture?

23 A. To signify a location, again like I did on
24 the previous case. Here I have the Sheeba Restaurant,
25 and to the right you can see an address of 1001, which is

1 actually a Thompson Lane address.

2 Q. Can we pull up United States Exhibit 471,
3 please. Can you tell us what we're looking at in this
4 photograph?

5 A. This photograph is a little -- taken a
6 little to the left. So that Sheeba Restaurant is a
7 little bit out of view on the right side of the
8 photograph. This is a red Honda Civic that was
9 supposedly, I was informed, the victim had been located
10 in.

11 Q. So you thought it was relevant to take a
12 photograph of this car?

13 A. That's correct.

14 Q. Can we look at United States Exhibit 472,
15 please. Can you tell us what we're looking at in this
16 photograph?

17 A. This is the driver's side of that red
18 Honda. In the background is that Sheeba Restaurant that
19 was first photographed.

20 Q. When you arrived on the scene, was the door
21 open to that red Honda?

22 A. Yes, it was, sir.

23 Q. Can we look at United States Exhibit 473,
24 please. Can you tell us what we're looking at in this
25 photograph?

1 A. This is another photograph around that same
2 vehicle, just at a different angle, showing how the
3 driver door is open.

4 Q. At this point when you're taking
5 photographs around this scene, had you put down any
6 placards yet?

7 A. No. These are my initial photographs of
8 the overall scene before I mark evidence.

9 Q. Can we look at United States Exhibit 474,
10 please. What are we looking at in this photograph?

11 A. Another photograph of the driver's side of
12 the vehicle. And you can see that that triangle window
13 on the rear driver's side is -- has a hole in it.

14 Q. Can we look at United States Exhibit 475,
15 please. What are we looking at in this photograph?

16 A. Several of the security cameras that were
17 located in that strip mall.

18 Q. And why are you taking this photograph?

19 A. Generally I try to document any
20 surveillance cameras so that any follow-up investigation
21 by any of the detectives, they can go back to those
22 locations and try to obtain surveillance video.

23 Q. Can we look at United States Exhibit 476,
24 please. What are we looking at in this photograph?

25 A. Additional surveillance cameras at a

1 different -- or another one of those businesses in the
2 strip mall.

3 Q. Can we blow up the -- the square, yes, to
4 the left-hand side of the screen. Is this the security
5 cameras that you were just talking about?

6 A. Yes, sir.

7 Q. Can we look at United States Exhibit 477,
8 please. Can you tell us what we're looking at in this
9 photograph?

10 A. These are additional surveillance cameras
11 located on the other end of that same business.

12 Q. Can we look at United States Exhibit 478,
13 please. What are we looking at in this photograph?

14 A. Additional surveillance cameras at another
15 one of the businesses in that strip mall.

16 Q. Can we look at United States Exhibit 479,
17 please. What are we looking at in this photograph?

18 A. Additional surveillance cameras at another
19 one of the businesses at that location or that strip
20 mall.

21 Q. Can we look at United States Exhibit 480,
22 please. What are we looking at in this photograph?

23 A. Additional surveillance cameras at the
24 strip mall.

25 Q. Do you know if any of these cameras were

1 working at the time of the murder?

2 A. No. I just photograph all of them, whether
3 they're operating or not.

4 Q. Can we look at United States Exhibit 481.
5 What are we looking at in this photograph?

6 A. A closeup photo of the driver side of that
7 red Honda Civic previously mentioned. This is that rear
8 window.

9 Q. So now you're getting closer to the car,
10 taking more closer photographs of the car?

11 A. That's correct, sir.

12 Q. And why did you find it significant to take
13 this photograph?

14 A. I was documenting the holes around and to
15 that window, some of the defects.

16 Q. And where do you see all of the defects?

17 A. To the lower left of the window, to the
18 interior of the driver door trim below the left corner of
19 the window, and then on the vehicle below the window on
20 the -- towards the right end of that window.

21 Q. Can we turn to United States Exhibit 482,
22 please. What are we looking at in this photograph?

23 A. This is the exterior side of the driver
24 door. Again, I can visually see several bullet defects
25 to that door.

1 Q. And how many defects do you see?

2 A. Appears to be about seven or eight of them.

3 Q. Can we look at United States Exhibit 483,
4 please. What are we looking at in this photograph?

5 A. This is the interior side of the driver
6 door showing defects that had perforated through the
7 door.

8 Q. Can we look at United States Exhibit 484,
9 please. What are we looking at in this photograph?

10 A. These are the front seats in that Honda
11 Civic. So the driver's seat is the one in the
12 foreground.

13 Q. Is there anything significant to you in
14 this photograph?

15 A. There appears to be blood on the driver's
16 seat, as well as several defects to the driver and front
17 passenger, as well as possibly to the front end of the
18 center console.

19 Q. Where do you see the defects in the driver
20 seat?

21 A. It appears that there are some possibly to
22 the headrest area.

23 Q. And what about the passenger seat?

24 A. To that closer side, to the side closer to
25 the center console, kind of where you see the yellow

1 foam.

2 Q. Does that appear to be a defect in the
3 center console as well?

4 A. To the front side of it -- or the front end
5 of it, yes.

6 Q. Can we pull up United States Exhibit 485,
7 please. What are we looking at in this photograph?

8 A. An additional view around the Honda Civic.

9 Q. Can we pull up United States Exhibit 486,
10 please. What are we looking at in this photograph?

11 A. This is the passenger side of that same
12 Honda Civic with other additional defects to it.

13 Q. And why did you take this photograph?

14 A. To document the passenger side of the
15 vehicle, as well as those defects.

16 Q. Can we zoom in to show that back panel and
17 the passenger side door.

18 Approximately how much defects do you see
19 in this photograph?

20 A. About seven or eight, it looks like.

21 Q. And based on your training and experience,
22 what do these defects appear to be?

23 A. From my training and experience, they
24 appear to be exit defects.

25 Q. Exit defects from what?

1 A. Projectiles or bullets.

2 Q. Can we look at United States Exhibit 487,
3 please. What are we looking at in this photograph?

4 A. This is a closer photo of those defects we
5 were just talking about on the passenger side of the
6 Honda Civic.

7 Q. Can we look at United States Exhibit 488,
8 please. What are we looking at in this photograph?

9 A. This is the rear passenger view of the
10 Honda Civic.

11 Q. Can we pull up United States Exhibit 489,
12 please. What are we looking at in this photograph?

13 A. This, I believe, is a 7.62 cartridge case
14 that was located at that location.

15 Q. Can we look at United States Exhibit 490,
16 please. Why did you take this photograph?

17 A. There was a projectile located on that
18 sidewalk below the Sheeba Restaurant sign.

19 Q. Can we look at United States Exhibit 491,
20 please. What are we looking at in this photograph?

21 A. This is more of a mid-range photograph of
22 that projectile on the sidewalk. It's hard to see, but
23 it's kind of centralized, lower center of the photo.

24 Q. Can we pull up United States Exhibit 493 --
25 92, please. What are we looking at in this photograph?

1 A. This is a closeup photograph of that
2 projectile on the sidewalk.

3 Q. Can we look at United States Exhibit 493,
4 please. What are we looking at in this photograph?

5 A. This is a photograph of that location with
6 evidence markers placed with the natural lighting of that
7 location.

8 Q. So now you're in the process of starting to
9 put down the placards and marking the evidence that you
10 have found at the scene?

11 A. Yes, sir.

12 Q. Can we look at United States Exhibit 494,
13 please. What are we looking at in this photograph?

14 A. Another photograph of that location using
15 the flash on my camera. In this photo, the little -- I
16 have placed the little yellow evidence markers next to
17 the items of evidence I had found.

18 Q. Can we look at United States Exhibit 495,
19 please. What are we looking at in this photograph?

20 A. This is another overall photograph of the
21 location with the evidence markers placed by the
22 evidence.

23 Q. Can we look at United States Exhibit 496,
24 please. What are we looking at in this photograph?

25 A. Another photograph of the location with the

1 evidence markers, just a closer -- I'd moved forward
2 towards the vehicle in the parking lot.

3 Q. Can we look at United States Exhibit 497,
4 please. What are we looking at in this photograph?

5 A. Additional photograph of some of the other
6 evidence markers, Evidence Markers 9 and 10, in the
7 parking lot.

8 Q. Now, was this on the passenger side or on
9 the driver's side?

10 A. This is on the passenger side, the Honda
11 Civic, the red Honda Civic.

12 Q. Can we look at United States Exhibit 498,
13 please. What are we looking at in this photograph?

14 A. Another view of the evidence markers I had
15 placed around the vehicle.

16 Q. Can we look at United States Exhibit 499,
17 please. What are we looking at in this photograph?

18 A. Another photograph almost of the same view,
19 just taken at a different vantage point to show the
20 Sheeba Restaurant behind the vehicle.

21 Q. Can we look at United States Exhibit 500,
22 please. What are we looking at in this photograph?

23 A. Another photograph at a different angle
24 around the vehicle. In the background, the back upper
25 right in the -- you can see the first evidence markers.

1 Evidence Markers 1 and 2 are back there.

2 Q. Can we look at United States Exhibit 502,
3 please. What are we looking at in this photograph?

4 A. This is Evidence Marker 8, an overall
5 photograph showing below the Sheeba Restaurant, which is
6 the projectile on the sidewalk.

7 Q. And that's the projectile we talked about a
8 little bit earlier?

9 A. That's correct.

10 Q. Can we look at United States Exhibit 503,
11 please. What are we looking at in this photograph?

12 A. This is a view of the front of the vehicle
13 with Evidence Markers 6, 7, and 9 in view.

14 Q. Can we look at United States Exhibit 504,
15 please. What are we looking at in this photograph?

16 A. That's a closer-up photograph of the
17 vehicle, of the previous photo.

18 Q. Can we look at United States Exhibit 505,
19 please. What are we looking at in this photograph?

20 A. This is that same Evidence Marker 8 of the
21 projectile on the sidewalk. I am now standing closer to
22 the building, photographing Evidence Marker 8 back to the
23 location of the vehicle in the parking lot.

24 Q. Can we look at United States Exhibit 506,
25 please. What are we looking at in this photograph?

1 A. The evidence markers in relation to the
2 rear passenger side of the vehicle.

3 Q. Can we look at United States Exhibit 509,
4 please. What are we looking at in this photograph?

5 A. This is a mid-range photograph of Evidence
6 Marker 1.

7 Q. Would this have been the first placard that
8 you put down?

9 A. That's correct.

10 Q. And why did you take this photograph again?

11 A. To show that evidence marker in relation to
12 the buildings in the background.

13 Q. How many placards did you put down this
14 morning?

15 A. I believe I put down -- I think 13.

16 Q. Now, with respect to this placard at No. 1
17 and this shell casing that's beside it, did you
18 eventually collect it?

19 A. The evidence marked as Evidence 1, yes.

20 Q. Do you know what type of shell casing it
21 was?

22 A. Evidence Marker 1 was a 7.62 cartridge
23 case.

24 Q. And how many 7.62 cartridge casings did you
25 find on that morning?

1 A. At this scene, three.

2 Q. Can you look at United States Exhibit 517,
3 please. What are we looking at in this photograph?

4 A. This is a cartridge case that I had marked
5 as Evidence Marker 4. I believe this was a .40 caliber
6 cartridge case.

7 Q. Do you know what kind of .40 caliber?

8 A. I believe it was a Winchester .40.

9 Q. Do you know how many Winchester .40 caliber
10 cartridge casings you recovered from the scene on this
11 morning?

12 A. Six.

13 Q. Can we look at United States Exhibit 518,
14 please. What are we looking at in this photograph?

15 A. This is the projectile we had previously --
16 or I had previously talked about as Evidence Marker 8 on
17 the sidewalk below the Sheeba Restaurant or in front of
18 the Sheeba Restaurant.

19 Q. Are you a ballistic expert?

20 A. I am not.

21 Q. So you can't tell us what type of firearm
22 this bullet came from --

23 A. No, sir.

24 Q. -- the projectile came from?

25 A. No, sir, I cannot.

1 Q. Can we look at United States Exhibit 519,
2 please. What are we looking at in this photograph?

3 A. This is Evidence Marker 10 in relation --
4 at that far upper left corner is that red Honda Civic.

5 Q. Can we look at United States Exhibit 520,
6 please. What are we looking at in this photograph?

7 A. This is a closer photograph of Evidence
8 Marker 10, which I believe was a copper fragment that I
9 had located.

10 Q. And can we look at United States
11 Exhibit 521. What are we looking at in this photograph?

12 A. This is a closeup photograph of that copper
13 fragment that I had marked as Evidence Marker 10.

14 Q. Can we look at United States Exhibit 522,
15 please. Can you tell us what we're looking at in this
16 photograph?

17 A. These are Evidence Markers 11 and 12 on the
18 rear driver's seat of the Honda Civic. Both were copper
19 fragments.

20 Q. And why did you take this photograph?

21 A. To show the copper fragments on that seat.

22 Q. Is there anything else of significance to
23 you in this photograph?

24 A. Looking at the photo in the foreground on
25 the right side, it appears that there may be some defects

1 to that driver panel.

2 Q. Is there also glass in the back seat?

3 A. Yes, sir, there is.

4 Q. Can we look at United States Exhibit 523,
5 please. What are we looking at in this photograph?

6 A. There is a closeup photograph of the copper
7 fragment that was marked as Evidence Marker 11.

8 Q. Can we look at United States Exhibit 524,
9 please. What are we looking at in this photograph?

10 A. A closeup photograph of the copper fragment
11 marked as Evidence Marker 12. The copper fragment is
12 below the marker.

13 Q. Did you collect this copper fragment as
14 well?

15 A. Yes, I did, sir.

16 Q. In total, how many shell casings did you
17 recover from the scene on this morning?

18 A. In total, there were nine.

19 Q. Can we look at United States Exhibit 552.
20 What are we looking at in this photograph?

21 A. This is another photo work order that I had
22 taken for this incident. This is signifying that I am
23 now taking the photos on another date at a different time
24 of the victim's clothing/belongings at our office or
25 crime lab at 400 Myatt Drive.

1 Q. And why do you take photographs of the
2 victim's clothing?

3 A. To, one, document what was collected before
4 I turn it in to Property. And also if there's any
5 defects or holes to the clothing, to document those.

6 Q. Can we look at United States Exhibit 553,
7 please. Can you tell us what we're looking at in this
8 photograph?

9 A. This is a gray T-shirt that had been
10 transferred to me, and I was advised that it had belonged
11 to the victim. This is the front side of that T-shirt.
12 The little white L-shaped scales are marking what I had
13 located as possible defects to that front side of the
14 shirt.

15 Q. Can we zoom in to the center of this shirt.
16 Can we zoom back out, I'm sorry.

17 It appears that there's a cut -- several
18 large cuts in this shirt. Do you know how they got
19 there?

20 A. Generally when either the officers or EMS
21 staff, paramedics, are rendering aid to the victims, they
22 generally cut off their clothing, so those are generally
23 from them.

24 Q. And was this shirt wet or dry when you took
25 this photograph?

1 A. I believe it was dry. It appears to be dry
2 in this photograph.

3 Q. And, in essence, what are you trying to
4 capture with this photograph?

5 A. Just the overall condition of the shirt and
6 the defects that I had marked with the scales.

7 Q. And how many defects did you find in this
8 shirt?

9 A. I had marked 11 defects to the front side
10 of this shirt.

11 Q. Okay. We can take that down, please.

12 All right. I want to shift focus again and
13 move to another date.

14 A. Okay.

15 Q. I want to go to another date in May,
16 May 27, 2017.

17 A. Okay.

18 Q. Were you still working as a crime scene
19 investigator with the Metro-Nashville Police Department
20 on that date?

21 A. Yes, I was.

22 Q. Did you respond to an incident?

23 A. Yes, I believe I did.

24 Q. On May the 27th, 2017?

25 A. Yes.

1 Q. And why did you go to the scene on May 27,
2 2017?

3 A. The scene that I believe you're referring
4 to was a shooting as well that also became a fatality.

5 Q. And when you arrived on the scene, did you
6 approach it in the same manner that you told us before,
7 like your methodology of how you walk through a scene and
8 document and collect evidence?

9 A. Yes. Again, when I arrived, I would have
10 garnered any information from the on-scene officers. I
11 would have conducted a walk-through of the scene, taking
12 overall photographs before I place evidence markers, then
13 going back through searching for the evidence, and again
14 photographing the scene with the evidence markers.

15 Q. Can you look at -- in the booklet in front
16 of you, it's going to be binders 2 and 3. So you're
17 going to have to start with one binder and flip to
18 another one, so you can kind of pack all that stuff up
19 there -- well, we're starting at 599 going through 713.

20 A. What was the last number?

21 Q. The last number is 713.

22 Have you reviewed those exhibits?

23 A. Yes.

24 Q. And what are in those exhibits?

25 A. These are photographs I took at the scene

1 on May 28 of 2017.

2 MR. SAFEEULLAH: Your Honor, may I approach
3 this witness again?

4 THE COURT: Yeah. I wonder, was it -- did
5 you say May 27?

6 MR. SAFEEULLAH: I'm sorry. I didn't hear
7 what the witness just said.

8 THE COURT: She said she took them on
9 May 28, and maybe she did. I just --

10 THE WITNESS: I believe -- I think the
11 incident occurred on the 27th, but I got there, I think,
12 a minute after midnight, so my photos were started on the
13 28th.

14 THE COURT: That would explain it. Okay.

15 MR. SAFEEULLAH: May I approach,
16 Your Honor?

17 THE COURT: Yes, you may.

18 BY MR. SAFEEULLAH:

19 Q. I'm passing up what's previously been
20 marked as United States Exhibits 61, 65, 66, 68, and 71.
21 Can you look over those physical exhibits, please?

22 A. Uh-huh (affirmative).

23 Q. What are those exhibits?

24 A. These are evidence that I collected from
25 this scene.

1 Q. And how do you know that that's evidence
2 that you collected from the scene on that day?

3 A. The bags, the paper bags in here have this
4 complaint number and location, as well as my initials and
5 the date of collection.

6 MR. SAFEEULLAH: Your Honor, I move to
7 admit into evidence United States Exhibits 599 through
8 713 and United States physical exhibits 61, 65, 66, 68,
9 and 71. And I request permission to publish them to the
10 jury.

11 THE COURT: All right. Seeing no
12 objection, these exhibits will be admitted and may be
13 published. They are Government Exhibits 599 to 713 and
14 Government Exhibits 61, 65, 66, 68, and 71.

15 (Government Exhibits Nos. 599-713, 61, 65,
16 66, 68 and 71 were admitted.)

17 BY MR. SAFEEULLAH:

18 Q. Can we pull up United States Exhibit 599,
19 please. What are we looking at in this photograph?

20 A. This is the photo work order, the first
21 photo that I took at the scene signifying the date and
22 time I started these photos, which was May 28 of 2017,
23 shortly after midnight; the unique complaint number or
24 case number for this incident, the type of call, which
25 was a shooting, the identified victim of the shooting,

1 the address of this location, which was Antioch Pike and
2 McCall Street, again, the photographs I was going to take
3 of the scene, the vehicle, and any evidence located, and
4 then my name's at the bottom.

5 Q. And what's the victim's name?

6 A. This incident -- I was advised that the
7 victim had been identified as Jesus Alberto Flores.

8 Q. Do you have Exhibit No. 71 in front of you?

9 A. Yes.

10 MR. SAFEEULLAH: Your Honor, you previously
11 said I could publish this to the jury. Could we pass it
12 with Juror No. 1 so the jurors can look at this exhibit?

13 THE COURT: Yes, sir.

14 MR. SAFEEULLAH: Starting with Juror No. 1,
15 Mr. [REDACTED], in the front, please.

16 BY MR. SAFEEULLAH:

17 Q. Can we pull up 600, please. Can you tell
18 us what we're looking at in this photograph?

19 A. This is a photograph of the vehicle the
20 victim had been riding in at the time of the incident on
21 Antioch Pike.

22 Q. Can we pull up United States Exhibit 601,
23 please. And can you tell us what we're looking at in
24 this photograph?

25 A. This is another view. This is on Antioch

1 Pike. The left lower corner is that same vehicle. This
2 is directed towards the intersection where going left
3 would be continuing, I believe, to Antioch Pike and to
4 the right would be McCall Street.

5 Q. Can we pull up United States Exhibit 602,
6 please. Can you tell us what we're looking at in that
7 photograph?

8 A. This is a photograph of that intersection I
9 had just mentioned of Antioch Pike and McCall Street.

10 Q. Can we pull up United States Exhibit 603,
11 and you tell us what we're looking at in that photograph?

12 A. This is, I believe, another photograph of
13 that location, the intersection.

14 Q. So this -- I'm sorry, I cut you off.

15 A. Sorry.

16 Q. I cut you off. You need to continue.

17 A. I believe this is just on our side of the
18 crime scene tape, so I believe towards that police car is
19 McCall Street, I believe.

20 Q. So you were walking away from the victim's
21 car back towards the intersection?

22 A. That's correct.

23 Q. Can we pull up United States Exhibit 604,
24 please, and you tell us what we're looking at in that
25 exhibit?

1 A. This is standing on -- or at the
2 intersection, looking at Antioch Pike, with the victim's
3 vehicle up farther in the photograph.

4 Q. Can we look at United States Exhibit 608,
5 please, and you tell us what we're looking at in that
6 photograph?

7 A. These are evidence markers that I have
8 placed on Antioch Pike, marking evidence that I had
9 located on -- on the roadway.

10 Q. Can we look at United States Exhibit 409,
11 please. What are we looking at in this photograph?

12 A. This is additional photograph of more
13 evidence markers on Antioch Pike. The victim's vehicle
14 is the one with the headlights.

15 Q. Can we look at United States Exhibit 611,
16 and you tell us what we're looking at in that photograph?

17 A. These are additional evidence markers on --
18 so this is as if we're standing near the intersection on
19 what is McCall Street. The Antioch Pike with the
20 victim's vehicle would be up to the left of the
21 photograph.

22 Q. And what are all those yellow placards?

23 A. Those are additional cartridge casings that
24 had -- I had located at the scene.

25 Q. Can we turn to United States Exhibit 612,

1 please. And you tell us what we're looking at in this
2 photograph.

3 A. This is a photograph of the intersection
4 again in the other direction. So the cop car is -- would
5 have been to the back of the last photograph. This is
6 standing on the Antioch Pike side of the intersection
7 looking towards McCall Street, with additional evidence
8 markers.

9 Q. Can we look at United States Exhibit 614,
10 please, and you tell us what we're looking at in that
11 photograph?

12 A. This is Evidence Marker 1 on Antioch Pike
13 north of the victim's vehicle.

14 Q. Can we look at United States Exhibit 615,
15 and you tell us what we're looking at in that photograph?

16 A. This is a closeup photograph of the
17 cartridge case that I had marked as Evidence Marker 1 on
18 Antioch Pike.

19 Q. And what type of cartridge casing is this?

20 A. This was a 7.62 caliber cartridge case.

21 Q. How many 7.62 cartridge casings did you
22 find at the scene on this day?

23 A. I believe there were 32 or 33 of them out
24 there.

25 Q. Can you look at United States Exhibit 616,

1 and tell us what we're looking at in that photograph?

2 A. These are Evidence Markers 2 and 3 on
3 Antioch Pike signifying additional pieces of evidence.

4 Q. Can we turn to United States Exhibit 618,
5 and you tell us what we're looking at in that photograph?

6 A. This is a closeup photograph of Evidence
7 Marker 2 which, again, was a 7.62 caliber cartridge case.

8 Q. And can we look at United States Exhibit
9 621, and you tell us what we're looking at in that
10 photograph?

11 A. These are additional evidence markers on
12 Antioch Pike. Evidence markers in the foreground that
13 are visible are 11, 12 and 13. The victim's vehicle is
14 up -- with the headlights on.

15 Q. Can we look at United States Exhibit 625,
16 and you tell us what we're looking at in that photograph?

17 A. This is another photograph of those
18 evidence markers with additional ones in view in the
19 opposite direction. So the victim's vehicle would have
20 been behind me in this photograph.

21 Q. Can we look at United States Exhibit 632,
22 and you tell us what we're looking at in that photograph?

23 A. This is a closeup photograph of Evidence
24 Marker 19 on Antioch Pike, which I had marked as a copper
25 fragment.

1 Q. Can we look the United States Exhibit 635,
2 and you tell us what we're looking at in that photograph?

3 A. This is the street sign at the intersection
4 behind the victim's vehicle showing Antioch Pike as it
5 turns and continues and then McCall Street going the
6 opposite direction at the intersection.

7 Q. Can we look at United States Exhibit 626,
8 and you tell us what we're looking at in that photograph?

9 A. This is a photograph on Antioch Pike of
10 additional evidence markers. The victim's vehicle is on
11 the far left, the headlights.

12 Q. Can we look at United States Exhibit 642,
13 and you tell us what we're looking at in that photograph?

14 A. This is additional evidence markers. This
15 is -- these are located at the intersection.

16 Q. Can you look at United States Exhibit 658,
17 and you tell us what we're looking at in this photograph?

18 A. These are additional evidence markers at
19 the intersection of this scene.

20 Q. Can we look at United States Exhibit 684,
21 and you tell us what we're looking at in this photograph?

22 A. This is a photograph of the vehicle that I
23 was advised the victim had been located in when they were
24 injured.

25 Q. Can we look at United States Exhibit 685,

1 and you tell us what we're looking at in that photograph?

2 A. This is a photograph of the driver's side
3 of that vehicle.

4 Q. Can we look at United States Exhibit 686,
5 and you tell us what we're looking at in that photograph?

6 A. This is a photograph of the front driver's
7 side of the vehicle.

8 Q. Can we look at United States Exhibit 687,
9 and you tell us what we're looking at in that photograph?

10 A. This is a view of the front of the vehicle
11 the victim had been located in.

12 Q. Can we look at United States Exhibit 688,
13 and you tell us what we're looking at in that photograph?

14 A. The front passenger side of the vehicle the
15 victim had been in.

16 Q. Is that front passenger-side tire flat?

17 A. Yes, it is. I believe both front tires
18 were flat on this vehicle.

19 Q. Can we look at United States Exhibit 689,
20 and you tell us what we're looking at in that vehicle --
21 in that photograph? I'm sorry.

22 A. This is the passenger side of that vehicle.

23 Q. Did you locate any defects on this car as
24 you were taking photographs of it?

25 A. Yes, I did.

1 Q. Can we look at United States Exhibit 698,
2 and you tell us what we're looking at in this photograph?

3 A. This is a photograph marking a defect that
4 I -- we had located on the driver door. We're using a
5 height rod to get the height of that defect off the
6 roadway.

7 Q. Can we look at United States Exhibit 699,
8 and you tell us what we're looking at in that photograph?

9 A. This is a closeup photograph of that defect
10 I was just talking about on the driver door of the
11 vehicle.

12 Q. Can we look at United States Exhibit 701,
13 and you tell us what we're looking at in that photograph?

14 A. This is a photograph of a defect that was
15 found on the upper front bumper or hood area of the
16 vehicle on the passenger side.

17 Q. Can we look at United States Exhibit 702,
18 and you tell us what we're looking at in that photograph?

19 A. This is a closer photograph of that defect
20 on the passenger front side by the -- that's the
21 passenger-side headlight.

22 Q. Can we look at United States Exhibit 703,
23 and you tell us what we're looking at in that photograph?

24 A. This is a photograph that we're marking an
25 additional defect that was located on the hood of the

1 vehicle.

2 Q. Can we look at United States Exhibit 704,
3 and you tell us what we're looking at in that photograph?

4 A. This is a closeup photograph of that defect
5 to the hood.

6 Q. Can we look at United States Exhibit 706,
7 and you tell us what we're looking at in that photograph?

8 A. This is a photograph of a defect to the
9 window -- or the windshield of the vehicle located in
10 front of the passenger seat. It's just below the
11 right -- or the white rectangle square.

12 Q. Can we look at United States Exhibit 707,
13 and you tell us what we're looking at in that photograph?

14 A. That's a closeup photograph of that defect
15 to the windshield on the passenger side of the vehicle.

16 Q. Can we look at United States Exhibit 708,
17 and you tell us what we're looking at in that photograph?

18 A. This is -- we're measuring the height of
19 another defect that was located on the windshield or
20 front framing of the passenger side of the vehicle.

21 Q. Can we look at United States Exhibit 709,
22 and you tell us what we're looking at in that photograph?

23 A. This is a photograph of the interior driver
24 compartment of the vehicle.

25 Q. Can we look at United States Exhibit 710,

1 and you tell us what we're looking at in that photograph?

2 A. This is a photograph of a cell phone that
3 was located on the driver's seat in the vehicle.

4 Q. Can we look at United States Exhibit 711,
5 and you tell us what we're looking at in that photograph?

6 A. This is a closeup photograph of that same
7 cell phone on the driver's seat of the vehicle.

8 Q. Can you look at United States Exhibit 712,
9 and you tell us what we're looking at in that photograph?

10 A. This is a photograph of the front yard that
11 was located on the passenger side of the vehicle. So the
12 vehicle would be at my back when I'm taking this
13 photograph.

14 Q. And why did you take this photograph?

15 A. I took this photograph because the on-scene
16 officers had advised that this is where the victim had
17 exited the vehicle and been located by either the
18 officers or the paramedics when they arrived to the
19 scene.

20 Q. Now, you previously testified that you
21 collected 7.62 shell casings at the scene. Did you
22 collect any other type of shell casings at the scene?

23 A. Yes. I believe there were several .45
24 caliber cartridge casings at the scene.

25 Q. In total, how many cartridge casings did

1 you recover from this crime scene?

2 A. I think I collected -- let me do the
3 math -- 39 or 40 of them.

4 MR. SAFEEULLAH: Can you give me one
5 moment, Your Honor?

6 THE COURT: I can.

7 MR. SAFEEULLAH: I don't have any
8 additional questions at this time, Your Honor.

9 THE COURT: All right. So wanted to ask --
10 and we'll talk about timing in a minute. Mr. Ganguli,
11 Mr. Gulotta, will you have cross?

12 MR. GANGULI: No questions, Your Honor.

13 THE COURT: Thank you. Ms. Hood-Schneider,
14 will you have cross, or Mr. Lucas?

15 MR. LUCAS: No cross, Your Honor.

16 THE COURT: All right. Mr. Mothershead?

17 MR. MOTHERSHEAD: No, Your Honor.

18 THE COURT: And Mr. Bloom.

19 MR. BLOOM: No cross, Your Honor.

20 THE COURT: Then our witness, Ms. Connor,
21 may step down. Thank you.

22 THE WITNESS: Do you want me to leave these
23 here?

24 THE COURT: You may leave those there for
25 now. Thank you.

1 *****WITNESS EXCUSED*****

2 THE COURT: It looks like this would be an
3 appropriate time to stop for the day. Thanks, folks, for
4 your continued attention as we work our way through the
5 evidence. I will make my, I'm sure, unnecessary but
6 still, from my perspective, necessary admonition not to
7 talk about the case or do any research or any
8 investigation, nothing like that.

9 We are off tomorrow, as I mentioned. And
10 we anticipate, then, starting Monday at 9:00 a.m., and we
11 will pick back up with the government's next witness.

12 Thanks. Appreciate your continued
13 attention and have a great weekend. Thank you.

14 (Whereupon, at 4:44 p.m. the jury retired
15 from open court.)

16 THE COURT: All right. Thank you, folks.
17 Please be seated.

18 All right. Before Monday morning, is there
19 anything else that we need to discuss? Mr. Safeeullah?

20 MR. SAFEEULLAH: No, Your Honor.

21 THE COURT: Thank you. Anything from any
22 defendant? Not seeing any hands, then we will reconvene
23 and -- yes?

24 MR. SAFEEULLAH: You previously said that
25 we would work on jury instructions on Monday morning.

1 THE COURT: Yeah, I thought about that
2 and -- you know, and I guess I had said 8:30. Here's
3 kind of what -- and I did say 9 o'clock on purpose
4 because I don't think we can do it before 9:00. Thanks
5 for clarifying, though. I previously indicated we'd try
6 and squeeze in that discussion. I don't think that's
7 going to work now with something else in a different case
8 we have to squeeze in. So thanks for the reminder,
9 Mr. Safeeullah.

10 What we will do Monday is talk about a good
11 time to continue that and instruction -- that discussion
12 about the proposed jury instructions. And we'll -- we do
13 have time. We'll pick a time soon, though, and finish
14 that discussion Monday. Maybe we can pick a time Tuesday
15 morning or Wednesday morning or whenever it may be.
16 Thank for that.

17 All right. If nothing further, then, we
18 stand in recess. Thank you.

19 (Whereupon, at 4:46 p.m. these were all of
20 the proceedings had in the above-captioned cause on the
21 above-captioned date.)
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That I reported on the stenotype shorthand machine the proceedings held in open court on April 13, 2023, in the matter of UNITED STATES OF AMERICA v. JORGE FLORES, JOSE PINEDA-CACERES, LUIS COLINDRES AND KEVIN TIDWELL, Case No. 3:18-cr-293; that said proceedings were reduced to typewritten form by me; and that the foregoing transcript is a true and accurate transcript of said proceedings.

This is the 14th day of July, 2023.

s/ Roxann Harkins
ROXANN HARKINS, RPR, CRR
 Official Court Reporter